

AMENDED IN ASSEMBLY SEPTEMBER 3, 2009

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 41

Introduced by Senators Lowenthal and Hancock

(~~Coauthor: Assembly Member Ma~~ *Coauthors: Assembly Members Ma
and Portantino*)

January 6, 2009

An act to amend Sections 11106, 12030, 12076, 12077, and 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, as amended, Lowenthal. Firearms.

Existing law requires the Attorney General to maintain certain information reported to the Department of Justice in connection with handgun transactions.

This bill would require the Attorney General to maintain certain information related to the dated delivery of handguns.

Existing law generally regulates the transfer of firearms by firearms dealers.

This bill would require that the dealer provide a copy of the record of transfer to the seller and purchaser of a firearm, as specified. The bill would also require the record of transfer to have the signatures of the purchaser and the dealer to acknowledge the date of transfer of a handgun.

Existing law requires firearms dealers to submit specified information in connection with firearms transfers to the Department of Justice in Sacramento.

This bill would remove the requirement that the information be sent to Sacramento.

This bill would incorporate additional changes to Sections 11106 and 12076 of the Penal Code proposed by AB 962, to become operative if this bill is enacted after AB 962.

This bill would incorporate additional changes to Section 12078 of the Penal Code proposed by SB 175, to become operative if this bill is enacted after SB 175.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:

3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, dealers' records of sales of firearms,
11 reports provided or submitted pursuant to Section 12021.3, 12072,
12 12077, 12078, or 12082, forms provided pursuant to Section 12084,
13 as that section read prior to being repealed by the act that amended
14 this section, reports provided pursuant to Section 12071 that are
15 not dealers' records of sales of firearms, and reports of stolen, lost,
16 found, pledged, or pawned property in any city or county of this
17 state, and shall, upon proper application therefor, furnish this
18 information to the officers referred to in Section 11105.

19 (b) (1) Except as provided in subdivision (d), the Attorney
20 General shall not retain or compile any information from reports
21 filed pursuant to subdivision (a) of Section 12078 for firearms that
22 are not handguns, from forms submitted pursuant to Section 12084,
23 as that section read prior to being repealed by the act that amended
24 this section, for firearms that are not handguns, or from dealers'

1 records of sales for firearms that are not handguns. All copies of
2 the forms submitted, or any information received in electronic
3 form, pursuant to Section 12084, as that section read prior to being
4 repealed by the act that amended this section, for firearms that are
5 not handguns, or of the dealers' records of sales for firearms that
6 are not handguns shall be destroyed within five days of the
7 clearance by the Attorney General, unless the purchaser or
8 transferor is ineligible to take possession of the firearm. All copies
9 of the reports filed, or any information received in electronic form,
10 pursuant to subdivision (a) of Section 12078 for firearms that are
11 not handguns shall be destroyed within five days of the receipt by
12 the Attorney General, unless retention is necessary for use in a
13 criminal prosecution.

14 (2) A peace officer, the Attorney General, a Department of
15 Justice employee designated by the Attorney General, or any
16 authorized local law enforcement employee shall not retain or
17 compile any information from a firearms transaction record, as
18 defined in paragraph (5) of subdivision (c) of Section 12071, for
19 firearms that are not handguns unless retention or compilation is
20 necessary for use in a criminal prosecution or in a proceeding to
21 revoke a license issued pursuant to Section 12071.

22 (3) A violation of this subdivision is a misdemeanor.

23 (c) (1) The Attorney General shall permanently keep and
24 properly file and maintain all information reported to the
25 Department of Justice pursuant to Sections 12071, 12072, 12078,
26 12082, and former Section 12084 or any other law, as to handguns
27 and maintain a registry thereof.

28 (2) The registry shall consist of all of the following:

29 (A) The name, address, identification of, place of birth (state
30 or country), complete telephone number, occupation, sex,
31 description, and all legal names and aliases ever used by the owner
32 or person being loaned the particular handgun as listed on the
33 information provided to the department on the Dealers' Record of
34 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
35 in former Section 12084, or reports made to the department
36 pursuant to Section 12078 or any other law.

37 (B) The name and address of, and other information about, any
38 person (whether a dealer or a private party) from whom the owner
39 acquired or the person being loaned the particular handgun and
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to
3 Section 12078 or any other law.

4 (C) Any waiting period exemption applicable to the transaction
5 which resulted in the owner of or the person being loaned the
6 particular handgun acquiring or being loaned that firearm.

7 (D) The manufacturer's name if stamped on the firearm, model
8 name or number if stamped on the firearm, and, if applicable, the
9 serial number, other number (if more than one serial number is
10 stamped on the firearm), caliber, type of firearm, if the firearm is
11 new or used, barrel length, and color of the firearm.

12 (3) Information in the registry referred to in this subdivision
13 shall, upon proper application therefor, be furnished to the officers
14 referred to in Section 11105, to a city attorney prosecuting a civil
15 action, solely for use in prosecuting that civil action and not for
16 any other purpose, or to the person listed in the registry as the
17 owner or person who is listed as being loaned the particular
18 handgun.

19 (4) If any person is listed in the registry as the owner of a firearm
20 through a Dealers' Record of Sale prior to 1979, and the person
21 listed in the registry requests by letter that the Attorney General
22 store and keep the record electronically, as well as in the record's
23 existing photographic, photostatic, or nonerasable optically stored
24 form, the Attorney General shall do so within three working days
25 of receipt of the request. The Attorney General shall, in writing,
26 and as soon as practicable, notify the person requesting electronic
27 storage of the record that the request has been honored as required
28 by this paragraph.

29 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
30 of subdivision (b) of Section 11105 may disseminate the name of
31 the subject of the record, the number of the firearms listed in the
32 record, and the description of any firearm, including the make,
33 model, and caliber, from the record relating to any firearm's sale,
34 transfer, registration, or license record, or any information reported
35 to the Department of Justice pursuant to Section 12021.3, 12053,
36 12071, 12072, 12077, 12078, 12082, or 12285, if the following
37 conditions are met:

38 (A) The subject of the record has been arraigned for a crime in
39 which the victim is a person described in subdivisions (a) to (f),
40 inclusive, of Section 6211 of the Family Code and is being

1 prosecuted or is serving a sentence for the crime, or the subject of
2 the record is the subject of an emergency protective order, a
3 temporary restraining order, or an order after hearing, which is in
4 effect and has been issued by a family court under the Domestic
5 Violence Protection Act set forth in Division 10 (commencing
6 with Section 6200) of the Family Code.

7 (B) The information is disseminated only to the victim of the
8 crime or to the person who has obtained the emergency protective
9 order, the temporary restraining order, or the order after hearing
10 issued by the family court.

11 (C) Whenever a law enforcement officer disseminates the
12 information authorized by this subdivision, that officer or another
13 officer assigned to the case shall immediately provide the victim
14 of the crime with a “Victims of Domestic Violence” card, as
15 specified in subparagraph (H) of paragraph (9) of subdivision (c)
16 of Section 13701.

17 (2) The victim or person to whom information is disseminated
18 pursuant to this subdivision may disclose it as he or she deems
19 necessary to protect himself or herself or another person from
20 bodily harm by the person who is the subject of the record.

21 (e) In addition to the obligations to furnish information imposed
22 upon the department pursuant to paragraph (3) of subdivision (c),
23 the department shall, upon proper application, furnish to a person
24 who is listed as the owner of a firearm any information reported
25 to the department as it relates to his or her ownership of that
26 firearm.

27 (f) The department shall update information it maintains
28 regarding firearm ownership to maintain the accuracy of that
29 information.

30 *SEC. 1.5. Section 11106 of the Penal Code is amended to read:*

31 11106. (a) In order to assist in the investigation of crime, the
32 prosecution of civil actions by city attorneys pursuant to paragraph
33 (3) of subdivision (c), the arrest and prosecution of criminals, and
34 the recovery of lost, stolen, or found property, the Attorney General
35 shall keep and properly file a complete record of all copies of
36 fingerprints, copies of licenses to carry firearms issued pursuant
37 to Section 12050, information reported to the Department of Justice
38 pursuant to Section 12053, *licensee information pertaining to*
39 *handgun ammunition vendors as specified in Section 12062,*
40 *dealers’ records of sales of firearms, reports provided or submitted*

1 pursuant to Section 12021.3, 12072-~~or~~, 12077, 12078, or 12082,
2 forms provided pursuant to Section 12084, as that section read
3 prior to being repealed by the act that amended this section, reports
4 provided pursuant to Section 12071 that are not dealers' records
5 of sales of firearms, and reports of stolen, lost, found, pledged, or
6 pawned property in any city or county of this state, and shall, upon
7 proper application therefor, furnish this information to the officers
8 referred to in Section 11105.

9 (b) (1) Except as provided in subdivision (d), the Attorney
10 General shall not retain or compile any information from reports
11 filed pursuant to subdivision (a) of Section 12078 for firearms that
12 are not handguns, from forms submitted pursuant to Section 12084,
13 as that section read prior to being repealed by the act that amended
14 this section, for firearms that are not handguns, or from dealers'
15 records of sales for firearms that are not handguns. All copies of
16 the forms submitted, or any information received in electronic
17 form, pursuant to Section 12084, as that section read prior to being
18 repealed by the act that amended this section, for firearms that are
19 not handguns, or of the dealers' records of sales for firearms that
20 are not handguns shall be destroyed within five days of the
21 clearance by the Attorney General, unless the purchaser or
22 transferor is ineligible to take possession of the firearm. All copies
23 of the reports filed, or any information received in electronic form,
24 pursuant to subdivision (a) of Section 12078 for firearms that are
25 not handguns shall be destroyed within five days of the receipt by
26 the Attorney General, unless retention is necessary for use in a
27 criminal prosecution.

28 (2) A peace officer, the Attorney General, a Department of
29 Justice employee designated by the Attorney General, or any
30 authorized local law enforcement employee shall not retain or
31 compile any information from a firearms transaction record, as
32 defined in paragraph (5) of subdivision (c) of Section 12071, for
33 firearms that are not handguns unless retention or compilation is
34 necessary for use in a criminal prosecution or in a proceeding to
35 revoke a license issued pursuant to Section 12071.

36 (3) A violation of this subdivision is a misdemeanor.

37 (c) (1) The Attorney General shall permanently keep and
38 properly file and maintain all information reported to the
39 Department of Justice pursuant to Sections 12071, 12072, 12078,

1 12082, and former Section 12084 or any other law, as to handguns
2 and maintain a registry thereof.

3 (2) The registry shall consist of all of the following:

4 (A) The name, address, identification of, place of birth (state
5 or country), complete telephone number, occupation, sex,
6 description, and all legal names and aliases ever used by the owner
7 or person being loaned the particular handgun as listed on the
8 information provided to the department on the Dealers' Record of
9 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
10 in former Section 12084, or reports made to the department
11 pursuant to Section 12078 or any other law.

12 (B) The name and address of, and other information about, any
13 person (whether a dealer or a private party) from whom the owner
14 acquired or the person being loaned the particular handgun and
15 when the firearm was acquired or loaned as listed on the
16 information provided to the department on the Dealers' Record of
17 Sale, the LEFT, or reports made to the department pursuant to
18 Section 12078 or any other law.

19 (C) Any waiting period exemption applicable to the transaction
20 which resulted in the owner of or the person being loaned the
21 particular handgun acquiring or being loaned that firearm.

22 (D) The manufacturer's name if stamped on the firearm, model
23 name or number if stamped on the firearm, and, if applicable, the
24 serial number, other number (if more than one serial number is
25 stamped on the firearm), caliber, type of firearm, if the firearm is
26 new or used, barrel length, and color of the firearm.

27 (3) Information in the registry referred to in this subdivision
28 shall, upon proper application therefor, be furnished to the officers
29 referred to in Section 11105, to a city attorney prosecuting a civil
30 action, solely for use in prosecuting that civil action and not for
31 any other purpose, or to the person listed in the registry as the
32 owner or person who is listed as being loaned the particular
33 handgun.

34 (4) If any person is listed in the registry as the owner of a firearm
35 through a Dealers' Record of Sale prior to 1979, and the person
36 listed in the registry requests by letter that the Attorney General
37 store and keep the record electronically, as well as in the record's
38 existing photographic, photostatic, or nonerasable optically stored
39 form, the Attorney General shall do so within three working days
40 of receipt of the request. The Attorney General shall, in writing,

1 and as soon as practicable, notify the person requesting electronic
2 storage of the record that the request has been honored as required
3 by this paragraph.

4 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
5 of subdivision (b) of Section 11105 may disseminate the name of
6 the subject of the record, the number of the firearms listed in the
7 record, and the description of any firearm, including the make,
8 model, and caliber, from the record relating to any firearm's sale,
9 transfer, registration, or license record, or any information reported
10 to the Department of Justice pursuant to Section 12021.3, 12053,
11 12071, 12072, 12077, 12078, 12082, or 12285, if the following
12 conditions are met:

13 (A) The subject of the record has been arraigned for a crime in
14 which the victim is a person described in subdivisions (a) to (f),
15 inclusive, of Section 6211 of the Family Code and is being
16 prosecuted or is serving a sentence for the crime, or the subject of
17 the record is the subject of an emergency protective order, a
18 temporary restraining order, or an order after hearing, which is in
19 effect and has been issued by a family court under the Domestic
20 Violence Protection Act set forth in Division 10 (commencing
21 with Section 6200) of the Family Code.

22 (B) The information is disseminated only to the victim of the
23 crime or to the person who has obtained the emergency protective
24 order, the temporary restraining order, or the order after hearing
25 issued by the family court.

26 (C) Whenever a law enforcement officer disseminates the
27 information authorized by this subdivision, that officer or another
28 officer assigned to the case shall immediately provide the victim
29 of the crime with a "Victims of Domestic Violence" card, as
30 specified in subparagraph (H) of paragraph (9) of subdivision (c)
31 of Section 13701.

32 (2) The victim or person to whom information is disseminated
33 pursuant to this subdivision may disclose it as he or she deems
34 necessary to protect himself or herself or another person from
35 bodily harm by the person who is the subject of the record.

36 *(e) In addition to the obligations to furnish information imposed*
37 *upon the department pursuant to paragraph (3) of subdivision (c),*
38 *the department shall, upon proper application, furnish to a person*
39 *who is listed as the owner of a firearm any information reported*

1 *to the department as it relates to his or her ownership of that*
2 *firearm.*

3 *(f) The department shall update information it maintains*
4 *regarding firearm ownership to maintain the accuracy of that*
5 *information.*

6 SEC. 2. Section 12030 of the Penal Code is amended to read:

7 12030. (a) The officer having custody of any firearms which
8 may be useful to the California National Guard, the Coast Guard
9 Auxiliary, or to any military or naval agency of the federal or state
10 government, including, but not limited to, the California State
11 Military Museum and Resource Center, may, upon the authority
12 of the legislative body of the city, city and county, or county by
13 which he or she is employed and the approval of the Adjutant
14 General, deliver the firearms to the commanding officer of a unit
15 of the California National Guard, the Coast Guard Auxiliary, or
16 any other military agency of the state or federal government in
17 lieu of destruction as required by this chapter. The officer
18 delivering the firearms shall take a receipt for them containing a
19 complete description thereof and shall keep the receipt on file in
20 his or her office as a public record.

21 (b) Any law enforcement agency which has custody of any
22 firearms, or any parts of any firearms, which are subject to
23 destruction as required by this chapter may, in lieu of destroying
24 the weapons, retain and use any of them as may be useful in
25 carrying out the official duties of the agency, or upon approval of
26 a court, may release them to any other law enforcement agency
27 for use in carrying out the official duties of that agency, or may
28 turn over to the criminalistics laboratory of the Department of
29 Justice or the criminalistics laboratory of a police department,
30 sheriff's office, or district attorney's office any weapons which
31 may be useful in carrying out the official duties of their respective
32 agencies.

33 (c) Any firearm, or part of any firearm, which, rather than being
34 destroyed, is used for official purposes pursuant to this section
35 shall be destroyed by the agency using the weapon when it is no
36 longer needed by the agency for use in carrying out its official
37 duties. In the case of firearms or weaponry donated to the
38 California State Military Museum and Resource Center, they may
39 be disposed of pursuant to Section 179 of the Military and Veterans
40 Code.

(d) Any law enforcement agency which has custody of any firearms, or any parts of any firearms, which are subject to destruction as required by this chapter may, in lieu of destroying the firearms, obtain an order from the superior court directing the release of the firearms to the sheriff. The sheriff shall enter those weapons into the Automated Firearms System (AFS), via the California Law Enforcement Telecommunications System, with a complete description of each weapon, including the make, type, category, caliber, and serial number of the firearms, and the name of the academy receiving the weapon entered into the AFS miscellaneous field. The sheriff shall then release the firearms to the basic training academy certified by the Commission on Peace Officer Standards and Training, so that the firearms may be used for instructional purposes in the certified courses. As used in this section, the term “firearms” shall not include destructive devices, as defined in Section 12301. All firearms released to an academy shall be under the care, custody, and control of the particular academy.

Any firearm, or part of any firearm, which is not destroyed, and is used for the purposes authorized by this section, shall be returned to the law enforcement agency which had original custody of the firearm when it is no longer needed by the basic training academy, or when the basic training academy is no longer certified by the commission. When those firearms are returned, the law enforcement agency to whom the firearms are returned, shall on the date of the return, enter into the Automated Firearms System (AFS), via the California Law Enforcement Telecommunications System, a complete description of each weapon, including the make, type, category, caliber, and serial number of the firearms, and the name of the entity returning the firearm.

(e) Any law enforcement agency that retains custody of any firearm pursuant to this section or that destroys a firearm pursuant to Section 12028 shall notify the Department of Justice of the retention or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

SEC. 3. Section 12076 of the Penal Code is amended to read:

12076. (a) (1) Before January 1, 1998, the Department of Justice shall determine the method by which a dealer shall submit

1 firearm purchaser information to the department and the
2 information shall be in one of the following formats:

3 (A) Submission of the register described in Section 12077.

4 (B) Electronic or telephonic transfer of the information contained
5 in the register described in Section 12077.

6 (2) On or after January 1, 1998, electronic or telephonic transfer,
7 including voice or facsimile transmission, shall be the exclusive
8 means by which purchaser information is transmitted to the
9 department.

10 (3) On or after January 1, 2003, except as permitted by the
11 department, electronic transfer shall be the exclusive means by
12 which information is transmitted to the department. Telephonic
13 transfer shall not be permitted for information regarding sales of
14 any firearms.

15 (b) (1) Where the register is used, the purchaser of any firearm
16 shall be required to present clear evidence of his or her identity
17 and age, as defined in Section 12071, to the dealer, and the dealer
18 shall require him or her to sign his or her current legal name and
19 affix his or her residence address and date of birth to the register
20 in quadruplicate. The salesperson shall affix his or her signature
21 to the register in quadruplicate as a witness to the signature and
22 identification of the purchaser. Any person furnishing a fictitious
23 name or address or knowingly furnishing any incorrect information
24 or knowingly omitting any information required to be provided
25 for the register and any person violating any provision of this
26 section is guilty of a misdemeanor, provided however, that any
27 person who is prohibited from obtaining a firearm pursuant to
28 Section 12021 or 12021.1 of this code, or Section 8100 or 8103
29 of the Welfare and Institutions Code who knowingly furnishes a
30 fictitious name or address or knowingly furnishes any incorrect
31 information or knowingly omits any information required to be
32 provided for the register shall be punished by imprisonment in a
33 county jail not exceeding one year or imprisonment in the state
34 prison for a term of 8, 12, or 18 months.

35 (2) The original of the register shall be retained by the dealer
36 in consecutive order. Each book of 50 originals shall become the
37 permanent register of transactions that shall be retained for not
38 less than three years from the date of the last transaction and shall
39 be available for the inspection of any peace officer, Department
40 of Justice employee designated by the Attorney General, or agent

1 of the federal Bureau of Alcohol, Tobacco, Firearms, and
2 Explosives upon the presentation of proper identification, but no
3 information shall be compiled therefrom regarding the purchasers
4 or other transferees of firearms that are not pistols, revolvers, or
5 other firearms capable of being concealed upon the person.

6 (3) Two copies of the original sheet of the register, on the date
7 of the application to purchase, shall be placed in the mail, postage
8 prepaid, and properly addressed to the Department of Justice.

9 (4) (A) Prior to the time that the firearm is delivered, if
10 requested, a photocopy of the original shall be provided to the
11 purchaser by the dealer.

12 (B) A photocopy of the original shall be provided to the
13 purchaser by the dealer at the time of delivery of the firearm after
14 the dealer notes the date of delivery and, if the firearm is a handgun,
15 after the dealer and the purchaser acknowledge receipt of the
16 handgun that is the subject of the transaction by the purchaser.

17 (C) The provisions of this paragraph apply whenever a dealer
18 is delivering a firearm pursuant to subdivision (c) of Section 12072
19 or Section 12082.

20 (5) If the transaction is a private party transfer conducted
21 pursuant to Section 12082, a photocopy of the original shall be
22 provided to the seller by the dealer at the time that the register is
23 signed by the seller. The dealer shall redact all of the purchaser's
24 personal information, as required pursuant to paragraph (1) of
25 subdivision (b) and paragraph (1) of subdivision (c) of Section
26 12077, from the seller's copy, and the seller's personal information
27 from the purchaser's copy.

28 (c) (1) Where the electronic or telephonic transfer of applicant
29 information is used, the purchaser shall be required to present clear
30 evidence of his or her identity and age, as defined in Section 12071,
31 to the dealer, and the dealer shall require him or her to sign his or
32 her current legal name to the record of electronic or telephonic
33 transfer. The salesperson shall affix his or her signature to the
34 record of electronic or telephonic transfer as a witness to the
35 signature and identification of the purchaser. Any person furnishing
36 a fictitious name or address or knowingly furnishing any incorrect
37 information or knowingly omitting any information required to be
38 provided for the electronic or telephonic transfer and any person
39 violating any provision of this section is guilty of a misdemeanor,
40 provided however, that any person who is prohibited from

1 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
2 code, or Section 8100 or 8103 of the Welfare and Institutions Code
3 who knowingly furnishes a fictitious name or address or knowingly
4 furnishes any incorrect information or knowingly omits any
5 information required to be provided for the register shall be
6 punished by imprisonment in a county jail not exceeding one year
7 or imprisonment in the state prison for a term of 8, 12, or 18
8 months.

9 (2) The record of applicant information shall be transmitted to
10 the Department of Justice by electronic or telephonic transfer on
11 the date of the application to purchase.

12 (3) The original of each record of electronic or telephonic
13 transfer shall be retained by the dealer in consecutive order. Each
14 original shall become the permanent record of the transaction that
15 shall be retained for not less than three years from the date of the
16 last transaction and shall be provided for the inspection of any
17 peace officer, Department of Justice employee designated by the
18 Attorney General, or agent of the federal Bureau of Alcohol,
19 Tobacco, Firearms, and Explosives upon the presentation of proper
20 identification, but no information shall be compiled therefrom
21 regarding the purchasers or other transferees of firearms that are
22 not pistols, revolvers, or other firearms capable of being concealed
23 upon the person.

24 (4) (A) Prior to the time that the firearm is delivered, if
25 requested, a copy of the record of electronic or telephonic transfer
26 shall be provided to the purchaser by the dealer.

27 (B) A copy of the record of electronic or telephonic transfer
28 shall be provided to the purchaser by the dealer at the time of
29 delivery of the firearm after the dealer notes the date of delivery
30 and, if the firearm is a handgun, after the dealer and the purchaser
31 acknowledge receipt of the handgun that is the subject of the
32 transaction by the purchaser.

33 (C) The provisions of this paragraph apply whenever a dealer
34 is delivering a firearm pursuant to subdivision (c) of Section 12072
35 or Section 12082.

36 (5) If the transaction is a private party transfer conducted
37 pursuant to Section 12082, a copy shall be provided to the seller
38 by the dealer at the time that the record of electronic or telephonic
39 transfer is signed by the seller. The dealer shall redact all of the
40 purchaser's personal information, as required pursuant to paragraph

1 (1) of subdivision (b) and paragraph (1) of subdivision (c) of
2 Section 12077, from the seller's copy, and the seller's personal
3 information from the purchaser's copy.

4 (d) (1) The department shall examine its records, as well as
5 those records that it is authorized to request from the State
6 Department of Mental Health pursuant to Section 8104 of the
7 Welfare and Institutions Code, in order to determine if the
8 purchaser is a person described in subparagraph (A) of paragraph
9 (9) of subdivision (a) of Section 12072, or is prohibited by state
10 or federal law from possessing, receiving, owning, or purchasing
11 a firearm.

12 (2) To the extent that funding is available, the Department of
13 Justice may participate in the National Instant Criminal Background
14 Check System (NICS), as described in subsection (t) of Section
15 922 of Title 18 of the United States Code, and, if that participation
16 is implemented, shall notify the dealer and the chief of the police
17 department of the city or city and county in which the sale was
18 made, or if the sale was made in a district in which there is no
19 municipal police department, the sheriff of the county in which
20 the sale was made, that the purchaser is a person prohibited from
21 acquiring a firearm under federal law.

22 (3) If the department determines that the purchaser is prohibited
23 by state or federal law from possessing, receiving, owning, or
24 purchasing a firearm or is a person described in subparagraph (A)
25 of paragraph (9) of subdivision (a) of Section 12072, it shall
26 immediately notify the dealer and the chief of the police department
27 of the city or city and county in which the sale was made, or if the
28 sale was made in a district in which there is no municipal police
29 department, the sheriff of the county in which the sale was made,
30 of that fact.

31 (4) If the department determines that the copies of the register
32 submitted to it pursuant to paragraph (3) of subdivision (b) contain
33 any blank spaces or inaccurate, illegible, or incomplete information,
34 preventing identification of the purchaser or the pistol, revolver,
35 or other firearm to be purchased, or if any fee required pursuant
36 to subdivision (e) is not submitted by the dealer in conjunction
37 with submission of copies of the register, the department may
38 notify the dealer of that fact. Upon notification by the department,
39 the dealer shall submit corrected copies of the register to the
40 department, or shall submit any fee required pursuant to subdivision

1 (e), or both, as appropriate and, if notification by the department
2 is received by the dealer at any time prior to delivery of the firearm
3 to be purchased, the dealer shall withhold delivery until the
4 conclusion of the waiting period described in Sections 12071 and
5 12072.

6 (5) If the department determines that the information transmitted
7 to it pursuant to subdivision (c) contains inaccurate or incomplete
8 information preventing identification of the purchaser or the pistol,
9 revolver, or other firearm capable of being concealed upon the
10 person to be purchased, or if the fee required pursuant to
11 subdivision (e) is not transmitted by the dealer in conjunction with
12 transmission of the electronic or telephonic record, the department
13 may notify the dealer of that fact. Upon notification by the
14 department, the dealer shall transmit corrections to the record of
15 electronic or telephonic transfer to the department, or shall transmit
16 any fee required pursuant to subdivision (e), or both, as appropriate,
17 and if notification by the department is received by the dealer at
18 any time prior to delivery of the firearm to be purchased, the dealer
19 shall withhold delivery until the conclusion of the waiting period
20 described in Sections 12071 and 12072.

21 (e) The Department of Justice may require the dealer to charge
22 each firearm purchaser a fee not to exceed fourteen dollars (\$14),
23 except that the fee may be increased at a rate not to exceed any
24 increase in the California Consumer Price Index as compiled and
25 reported by the California Department of Industrial Relations. The
26 fee shall be no more than is necessary to fund the following:

27 (1) (A) The department for the cost of furnishing this
28 information.

29 (B) The department for the cost of meeting its obligations under
30 paragraph (2) of subdivision (b) of Section 8100 of the Welfare
31 and Institutions Code.

32 (2) Local mental health facilities for state-mandated local costs
33 resulting from the reporting requirements imposed by Section 8103
34 of the Welfare and Institutions Code.

35 (3) The State Department of Mental Health for the costs resulting
36 from the requirements imposed by Section 8104 of the Welfare
37 and Institutions Code.

38 (4) Local mental hospitals, sanitariums, and institutions for
39 state-mandated local costs resulting from the reporting

1 requirements imposed by Section 8105 of the Welfare and
2 Institutions Code.

3 (5) Local law enforcement agencies for state-mandated local
4 costs resulting from the notification requirements set forth in
5 subdivision (a) of Section 6385 of the Family Code.

6 (6) Local law enforcement agencies for state-mandated local
7 costs resulting from the notification requirements set forth in
8 subdivision (c) of Section 8105 of the Welfare and Institutions
9 Code.

10 (7) For the actual costs associated with the electronic or
11 telephonic transfer of information pursuant to subdivision (c).

12 (8) The Department of Food and Agriculture for the costs
13 resulting from the notification provisions set forth in Section 5343.5
14 of the Food and Agricultural Code.

15 (9) The department for the costs associated with subparagraph
16 (D) of paragraph (2) of subdivision (f) of Section 12072.

17 (10) The department for the costs associated with funding
18 Department of Justice firearms-related regulatory and enforcement
19 activities related to the sale, purchase, loan, or transfer of firearms
20 pursuant to this chapter.

21 The fee established pursuant to this subdivision shall not exceed
22 the sum of the actual processing costs of the department, the
23 estimated reasonable costs of the local mental health facilities for
24 complying with the reporting requirements imposed by paragraph
25 (2) of this subdivision, the costs of the State Department of Mental
26 Health for complying with the requirements imposed by paragraph
27 (3) of this subdivision, the estimated reasonable costs of local
28 mental hospitals, sanitariums, and institutions for complying with
29 the reporting requirements imposed by paragraph (4) of this
30 subdivision, the estimated reasonable costs of local law
31 enforcement agencies for complying with the notification
32 requirements set forth in subdivision (a) of Section 6385 of the
33 Family Code, the estimated reasonable costs of local law
34 enforcement agencies for complying with the notification
35 requirements set forth in subdivision (c) of Section 8105 of the
36 Welfare and Institutions Code imposed by paragraph (6) of this
37 subdivision, the estimated reasonable costs of the Department of
38 Food and Agriculture for the costs resulting from the notification
39 provisions set forth in Section 5343.5 of the Food and Agricultural
40 Code, the estimated reasonable costs of the department for the

1 costs associated with subparagraph (D) of paragraph (2) of
2 subdivision (f) of Section 12072, and the estimated reasonable
3 costs of department firearms-related regulatory and enforcement
4 activities related to the sale, purchase, loan, or transfer of firearms
5 pursuant to this chapter.

6 (f) (1) The Department of Justice may charge a fee sufficient
7 to reimburse it for each of the following but not to exceed fourteen
8 dollars (\$14), except that the fee may be increased at a rate not to
9 exceed any increase in the California Consumer Price Index as
10 compiled and reported by the ~~California~~ Department of Industrial
11 Relations:

12 (A) For the actual costs associated with the preparation, sale,
13 processing, and filing of forms or reports required or utilized
14 pursuant to Section 12078.

15 (B) For the actual processing costs associated with the
16 submission of a Dealers' Record of Sale to the department.

17 (C) For the actual costs associated with the preparation, sale,
18 processing, and filing of reports utilized pursuant to subdivision
19 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section
20 12071, or clause (i) of subparagraph (A) of paragraph (2) of
21 subdivision (f) of Section 12072, or paragraph (3) of subdivision
22 (f) of Section 12072.

23 (D) For the actual costs associated with the electronic or
24 telephonic transfer of information pursuant to subdivision (c).

25 (2) If the department charges a fee pursuant to subparagraph
26 (B) of paragraph (1) of this subdivision, it shall be charged in the
27 same amount to all categories of transactions that are within that
28 subparagraph.

29 (3) Any costs incurred by the Department of Justice to
30 implement this subdivision shall be reimbursed from fees collected
31 and charged pursuant to this subdivision. No fees shall be charged
32 to the dealer pursuant to subdivision (e) for implementing this
33 subdivision.

34 (g) All money received by the department pursuant to this
35 section shall be deposited in the Dealers' Record of Sale Special
36 Account of the General Fund, which is hereby created, to be
37 available, upon appropriation by the Legislature, for expenditure
38 by the department to offset the costs incurred pursuant to this
39 section, paragraph (1) and subparagraph (D) of paragraph (2) of
40 subdivision (f) of Section 12072, Sections 12083 and 12099,

1 subdivision (c) of Section 12131, Sections 12234, 12289, and
2 12289.5, and subdivisions (f) and (g) of Section 12305.

3 (h) Where the electronic or telephonic transfer of applicant
4 information is used, the department shall establish a system to be
5 used for the submission of the fees described in subdivision (e) to
6 the department.

7 (i) (1) Only one fee shall be charged pursuant to this section
8 for a single transaction on the same date for the sale of any number
9 of firearms that are not pistols, revolvers, or other firearms capable
10 of being concealed upon the person or for the taking of possession
11 of those firearms.

12 (2) In a single transaction on the same date for the delivery of
13 any number of firearms that are pistols, revolvers, or other firearms
14 capable of being concealed upon the person, the department shall
15 charge a reduced fee pursuant to this section for the second and
16 subsequent firearms that are part of that transaction.

17 (j) Only one fee shall be charged pursuant to this section for a
18 single transaction on the same date for taking title or possession
19 of any number of firearms pursuant to paragraph (18) of
20 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section
21 12078.

22 (k) Whenever the Department of Justice acts pursuant to this
23 section as it pertains to firearms other than pistols, revolvers, or
24 other firearms capable of being concealed upon the person, the
25 department's acts or omissions shall be deemed to be discretionary
26 within the meaning of the California Tort Claims Act pursuant to
27 Division 3.6 (commencing with Section 810) of Title 1 of the
28 Government Code.

29 (l) As used in this section, the following definitions apply:

30 (1) "Purchaser" means the purchaser or transferee of a firearm
31 or a person being loaned a firearm.

32 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

33 (3) "Sale" means the sale, loan, or transfer of a firearm.

34 (4) "Seller" means, if the transaction is being conducted pursuant
35 to Section 12082, the person selling, loaning, or transferring the
36 firearm.

37 *SEC. 3.5. Section 12076 of the Penal Code is amended to read:*

38 12076. (a) (1) Before January 1, 1998, the Department of
39 Justice shall determine the method by which a dealer shall submit

1 firearm purchaser information to the department and the
2 information shall be in one of the following formats:

3 (A) Submission of the register described in Section 12077.

4 (B) Electronic or telephonic transfer of the information contained
5 in the register described in Section 12077.

6 (2) On or after January 1, 1998, electronic or telephonic transfer,
7 including voice or facsimile transmission, shall be the exclusive
8 means by which purchaser information is transmitted to the
9 department.

10 (3) On or after January 1, 2003, except as permitted by the
11 department, electronic transfer shall be the exclusive means by
12 which information is transmitted to the department. Telephonic
13 transfer shall not be permitted for information regarding sales of
14 any firearms.

15 (b) (1) Where the register is used, the purchaser of any firearm
16 shall be required to present clear evidence of his or her identity
17 and age, as defined in Section 12071, to the dealer, and the dealer
18 shall require him or her to sign his or her current legal name and
19 affix his or her residence address and date of birth to the register
20 in quadruplicate. The salesperson shall affix his or her signature
21 to the register in quadruplicate as a witness to the signature and
22 identification of the purchaser. Any person furnishing a fictitious
23 name or address or knowingly furnishing any incorrect information
24 or knowingly omitting any information required to be provided
25 for the register and any person violating any provision of this
26 section is guilty of a misdemeanor, provided however, that any
27 person who is prohibited from obtaining a firearm pursuant to
28 Section 12021 or 12021.1 of this code, or Section 8100 or 8103
29 of the Welfare and Institutions Code who knowingly furnishes a
30 fictitious name or address or knowingly furnishes any incorrect
31 information or knowingly omits any information required to be
32 provided for the register shall be punished by imprisonment in a
33 county jail not exceeding one year or imprisonment in the state
34 prison for a term of 8, 12, or 18 months.

35 (2) The original of the register shall be retained by the dealer
36 in consecutive order. Each book of 50 originals shall become the
37 permanent register of transactions that shall be retained for not
38 less than three years from the date of the last transaction and shall
39 be available for the inspection of any peace officer, Department
40 of Justice employee designated by the Attorney General, or agent

1 of the federal Bureau of Alcohol, Tobacco, Firearms, and
2 Explosives upon the presentation of proper identification, but no
3 information shall be compiled therefrom regarding the purchasers
4 or other transferees of firearms that are not pistols, revolvers, or
5 other firearms capable of being concealed upon the person.

6 (3) Two copies of the original sheet of the register, on the date
7 of the application to purchase, shall be placed in the mail, postage
8 prepaid, and properly addressed to the Department of Justice in
9 Sacramento.

10 (4) ~~If~~ (A) *Prior to the time that the firearm is delivered, if*
11 *requested, a photocopy of the original shall be provided to the*
12 *purchaser by the dealer.*

13 (B) *A photocopy of the original shall be provided to the*
14 *purchaser by the dealer at the time of delivery of the firearm after*
15 *the dealer notes the date of delivery and, if the firearm is a*
16 *handgun, after the dealer and the purchaser acknowledge receipt*
17 *of the handgun that is the subject of the transaction by the*
18 *purchaser.*

19 (C) *The provisions of this paragraph apply whenever a dealer*
20 *is delivering a firearm pursuant to subdivision (c) of Section 12072*
21 *or Section 12082.*

22 (5) If the transaction is a private party transfer conducted
23 pursuant to Section 12082, a photocopy of the original shall be
24 provided to the seller ~~or purchaser by the dealer, upon request by~~
25 *the dealer at the time that the register is signed by the seller.* The
26 dealer shall redact all of the purchaser's personal information, as
27 required pursuant to paragraph (1) of subdivision (b) and paragraph
28 (1) of subdivision (c) of Section 12077, from the seller's copy,
29 and the seller's personal information from the purchaser's copy.

30 (c) (1) Where the electronic or telephonic transfer of applicant
31 information is used, the purchaser shall be required to present clear
32 evidence of his or her identity and age, as defined in Section 12071,
33 to the dealer, and the dealer shall require him or her to sign his or
34 her current legal name to the record of electronic or telephonic
35 transfer. The salesperson shall affix his or her signature to the
36 record of electronic or telephonic transfer as a witness to the
37 signature and identification of the purchaser. Any person furnishing
38 a fictitious name or address or knowingly furnishing any incorrect
39 information or knowingly omitting any information required to be
40 provided for the electronic or telephonic transfer and any person

1 violating any provision of this section is guilty of a misdemeanor,
2 provided however, that any person who is prohibited from
3 obtaining a firearm pursuant to Section 12021 or 12021.1 of this
4 code, or Section 8100 or 8103 of the Welfare and Institutions Code
5 who knowingly furnishes a fictitious name or address or knowingly
6 furnishes any incorrect information or knowingly omits any
7 information required to be provided for the register shall be
8 punished by imprisonment in a county jail not exceeding one year
9 or imprisonment in the state prison for a term of 8, 12, or 18
10 months.

11 (2) The record of applicant information shall be transmitted to
12 the Department of Justice ~~in Sacramento~~ by electronic or telephonic
13 transfer on the date of the application to purchase.

14 (3) The original of each record of electronic or telephonic
15 transfer shall be retained by the dealer in consecutive order. Each
16 original shall become the permanent record of the transaction that
17 shall be retained for not less than three years from the date of the
18 last transaction and shall be provided for the inspection of any
19 peace officer, Department of Justice employee designated by the
20 Attorney General, or agent of the federal Bureau of Alcohol,
21 Tobacco, Firearms, and Explosives upon the presentation of proper
22 identification, but no information shall be compiled therefrom
23 regarding the purchasers or other transferees of firearms that are
24 not pistols, revolvers, or other firearms capable of being concealed
25 upon the person.

26 (4) ~~H~~(A) *Prior to the time that the firearm is delivered, if*
27 *requested, a copy of the record of electronic or telephonic transfer*
28 *shall be provided to the purchaser by the dealer.*

29 (B) *A copy of the record of electronic or telephonic transfer*
30 *shall be provided to the purchaser by the dealer at the time of*
31 *delivery of the firearm after the dealer notes the date of delivery*
32 *and, if the firearm is a handgun, after the dealer and the purchaser*
33 *acknowledge receipt of the handgun that is the subject of the*
34 *transaction by the purchaser.*

35 (C) *The provisions of this paragraph apply whenever a dealer*
36 *is delivering a firearm pursuant to subdivision (c) of Section 12072*
37 *or Section 12082.*

38 (5) If the transaction is a private party transfer conducted
39 pursuant to Section 12082, a copy shall be provided to the seller
40 ~~or purchaser by the dealer, upon request~~ *by the dealer at the time*

1 *that the record of electronic or telephonic transfer is signed by*
2 *the seller.* The dealer shall redact all of the purchaser's personal
3 information, as required pursuant to paragraph (1) of subdivision
4 (b) and paragraph (1) of subdivision (c) of Section 12077, from
5 the seller's copy, and the seller's personal information from the
6 purchaser's copy.

7 (d) (1) The department shall examine its records, as well as
8 those records that it is authorized to request from the State
9 Department of Mental Health pursuant to Section 8104 of the
10 Welfare and Institutions Code, in order to determine if the
11 purchaser is a person described in subparagraph (A) of paragraph
12 (9) of subdivision (a) of Section 12072, or is prohibited by state
13 or federal law from possessing, receiving, owning, or purchasing
14 a firearm.

15 (2) To the extent that funding is available, the Department of
16 Justice may participate in the National Instant Criminal Background
17 Check System (NICS), as described in subsection (t) of Section
18 922 of Title 18 of the United States Code, and, if that participation
19 is implemented, shall notify the dealer and the chief of the police
20 department of the city or city and county in which the sale was
21 made, or if the sale was made in a district in which there is no
22 municipal police department, the sheriff of the county in which
23 the sale was made, that the purchaser is a person prohibited from
24 acquiring a firearm under federal law.

25 (3) If the department determines that the purchaser is prohibited
26 by state or federal law from possessing, receiving, owning, or
27 purchasing a firearm or is a person described in subparagraph (A)
28 of paragraph (9) of subdivision (a) of Section 12072, it shall
29 immediately notify the dealer and the chief of the police department
30 of the city or city and county in which the sale was made, or if the
31 sale was made in a district in which there is no municipal police
32 department, the sheriff of the county in which the sale was made,
33 of that fact.

34 (4) If the department determines that the copies of the register
35 submitted to it pursuant to paragraph (3) of subdivision (b) contain
36 any blank spaces or inaccurate, illegible, or incomplete information,
37 preventing identification of the purchaser or the pistol, revolver,
38 or other firearm to be purchased, or if any fee required pursuant
39 to subdivision (e) is not submitted by the dealer in conjunction
40 with submission of copies of the register, the department may

1 notify the dealer of that fact. Upon notification by the department,
2 the dealer shall submit corrected copies of the register to the
3 department, or shall submit any fee required pursuant to subdivision
4 (e), or both, as appropriate and, if notification by the department
5 is received by the dealer at any time prior to delivery of the firearm
6 to be purchased, the dealer shall withhold delivery until the
7 conclusion of the waiting period described in Sections 12071 and
8 12072.

9 (5) If the department determines that the information transmitted
10 to it pursuant to subdivision (c) contains inaccurate or incomplete
11 information preventing identification of the purchaser or the pistol,
12 revolver, or other firearm capable of being concealed upon the
13 person to be purchased, or if the fee required pursuant to
14 subdivision (e) is not transmitted by the dealer in conjunction with
15 transmission of the electronic or telephonic record, the department
16 may notify the dealer of that fact. Upon notification by the
17 department, the dealer shall transmit corrections to the record of
18 electronic or telephonic transfer to the department, or shall transmit
19 any fee required pursuant to subdivision (e), or both, as appropriate,
20 and if notification by the department is received by the dealer at
21 any time prior to delivery of the firearm to be purchased, the dealer
22 shall withhold delivery until the conclusion of the waiting period
23 described in Sections 12071 and 12072.

24 (e) The Department of Justice may require the dealer to charge
25 each firearm purchaser a fee not to exceed fourteen dollars (\$14),
26 except that the fee may be increased at a rate not to exceed any
27 increase in the California Consumer Price Index as compiled and
28 reported by the California Department of Industrial Relations. The
29 fee shall be no more than is necessary to fund the following:

30 (1) (A) The department for the cost of furnishing this
31 information.

32 (B) The department for the cost of meeting its obligations under
33 paragraph (2) of subdivision (b) of Section 8100 of the Welfare
34 and Institutions Code.

35 (2) Local mental health facilities for state-mandated local costs
36 resulting from the reporting requirements imposed by Section 8103
37 of the Welfare and Institutions Code.

38 (3) The State Department of Mental Health for the costs resulting
39 from the requirements imposed by Section 8104 of the Welfare
40 and Institutions Code.

1 (4) Local mental hospitals, sanitariums, and institutions for
2 state-mandated local costs resulting from the reporting
3 requirements imposed by Section 8105 of the Welfare and
4 Institutions Code.

5 (5) Local law enforcement agencies for state-mandated local
6 costs resulting from the notification requirements set forth in
7 subdivision (a) of Section 6385 of the Family Code.

8 (6) Local law enforcement agencies for state-mandated local
9 costs resulting from the notification requirements set forth in
10 subdivision (c) of Section 8105 of the Welfare and Institutions
11 Code.

12 (7) For the actual costs associated with the electronic or
13 telephonic transfer of information pursuant to subdivision (c).

14 (8) The Department of Food and Agriculture for the costs
15 resulting from the notification provisions set forth in Section 5343.5
16 of the Food and Agricultural Code.

17 (9) The department for the costs associated with subparagraph
18 (D) of paragraph (2) of subdivision (f) of Section 12072.

19 (10) The department for the costs associated with funding
20 Department of Justice firearms-related *and ammunition-related*
21 regulatory and enforcement activities related to the sale, purchase,
22 loan, or transfer of firearms *and ammunition* pursuant to this
23 chapter.

24 The fee established pursuant to this subdivision shall not exceed
25 the sum of the actual processing costs of the department, the
26 estimated reasonable costs of the local mental health facilities for
27 complying with the reporting requirements imposed by paragraph
28 (2) of this subdivision, the costs of the State Department of Mental
29 Health for complying with the requirements imposed by paragraph
30 (3) of this subdivision, the estimated reasonable costs of local
31 mental hospitals, sanitariums, and institutions for complying with
32 the reporting requirements imposed by paragraph (4) of this
33 subdivision, the estimated reasonable costs of local law
34 enforcement agencies for complying with the notification
35 requirements set forth in subdivision (a) of Section 6385 of the
36 Family Code, the estimated reasonable costs of local law
37 enforcement agencies for complying with the notification
38 requirements set forth in subdivision (c) of Section 8105 of the
39 Welfare and Institutions Code imposed by paragraph (6) of this
40 subdivision, the estimated reasonable costs of the Department of

Food and Agriculture for the costs resulting from the notification provisions set forth in Section 5343.5 of the Food and Agricultural Code, the estimated reasonable costs of the department for the costs associated with subparagraph (D) of paragraph (2) of subdivision (f) of Section 12072, and the estimated reasonable costs of department *ammunition-related and* firearms-related regulatory and enforcement activities related to the sale, purchase, loan, or transfer of firearms *and ammunition* pursuant to this chapter.

(f) (1) The Department of Justice may charge a fee sufficient to reimburse it for each of the following but not to exceed fourteen dollars (\$14), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the ~~California~~ Department of Industrial Relations:

(A) For the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to Section 12078.

(B) For the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.

(C) For the actual costs associated with the preparation, sale, processing, and filing of reports utilized pursuant to subdivision (l) of Section 12078 or paragraph (18) of subdivision (b) of Section 12071, or clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 12072, or paragraph (3) of subdivision (f) of Section 12072.

(D) For the actual costs associated with the electronic or telephonic transfer of information pursuant to subdivision (c).

(2) If the department charges a fee pursuant to subparagraph (B) of paragraph (1) of this subdivision, it shall be charged in the same amount to all categories of ~~transaction~~ *transactions* that are within that subparagraph.

(3) Any costs incurred by the Department of Justice to implement this subdivision shall be reimbursed from fees collected and charged pursuant to this subdivision. No fees shall be charged to the dealer pursuant to subdivision (e) for implementing this subdivision.

(g) All money received by the department pursuant to this section shall be deposited in the Dealers' Record of Sale Special Account of the General Fund, which is hereby created, to be

1 available, upon appropriation by the Legislature, for expenditure
2 by the department to offset the costs incurred pursuant to this
3 section, *Section 12062*, paragraph (1) and subparagraph (D) of
4 paragraph (2) of subdivision (f) of Section 12072, Sections 12083
5 and 12099, subdivision (c) of Section 12131, Sections 12234,
6 12289, and 12289.5, and subdivisions (f) and (g) of Section 12305.

7 (h) Where the electronic or telephonic transfer of applicant
8 information is used, the department shall establish a system to be
9 used for the submission of the fees described in subdivision (e) to
10 the department.

11 (i) (1) Only one fee shall be charged pursuant to this section
12 for a single transaction on the same date for the sale of any number
13 of firearms that are not pistols, revolvers, or other firearms capable
14 of being concealed upon the person or for the taking of possession
15 of those firearms.

16 (2) In a single transaction on the same date for the delivery of
17 any number of firearms that are pistols, revolvers, or other firearms
18 capable of being concealed upon the person, the department shall
19 charge a reduced fee pursuant to this section for the second and
20 subsequent firearms that are part of that transaction.

21 (j) Only one fee shall be charged pursuant to this section for a
22 single transaction on the same date for taking title or possession
23 of any number of firearms pursuant to paragraph (18) of
24 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section
25 12078.

26 (k) Whenever the Department of Justice acts pursuant to this
27 section as it pertains to firearms other than pistols, revolvers, or
28 other firearms capable of being concealed upon the person, the
29 department's acts or omissions shall be deemed to be discretionary
30 within the meaning of the California Tort Claims Act pursuant to
31 Division 3.6 (commencing with Section 810) of Title 1 of the
32 Government Code.

33 (l) As used in this section, the following definitions apply:

34 (1) "Purchaser" means the purchaser or transferee of a firearm
35 or a person being loaned a firearm.

36 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

37 (3) "Sale" means the sale, loan, or transfer of a firearm.

38 (4) "Seller" means, if the transaction is being conducted pursuant
39 to Section 12082, the person selling, loaning, or transferring the
40 firearm.

1 SEC. 4. Section 12077 of the Penal Code is amended to read:
2 12077. (a) The Department of Justice shall prescribe the form
3 of the register and the record of electronic transfer pursuant to
4 Section 12074.

5 (b) (1) For handguns, information contained in the register or
6 record of electronic transfer shall be the date and time of sale,
7 make of firearm, peace officer exemption status pursuant to
8 subdivision (a) of Section 12078 and the agency name, any
9 applicable waiting period exemption, California Firearms Dealer
10 number issued pursuant to Section 12071, for transactions
11 occurring prior to January 1, 2003, the purchaser's basic firearms
12 safety certificate number issued pursuant to Sections 12805 and
13 12809, for transactions occurring on or after January 1, 2003, the
14 purchaser's handgun safety certificate number issued pursuant to
15 Article 8 (commencing with Section 12800), manufacturer's name
16 if stamped on the firearm, model name or number, if stamped on
17 the firearm, if applicable, serial number, other number (if more
18 than one serial number is stamped on the firearm), any
19 identification number or mark assigned to the firearm pursuant to
20 Section 12092, caliber, type of firearm, if the firearm is new or
21 used, barrel length, color of the firearm, full name of purchaser,
22 purchaser's complete date of birth, purchaser's local address, if
23 current address is temporary, complete permanent address of
24 purchaser, identification of purchaser, purchaser's place of birth
25 (state or country), purchaser's complete telephone number,
26 purchaser's occupation, purchaser's sex, purchaser's physical
27 description, all legal names and aliases ever used by the purchaser,
28 yes or no answer to questions that prohibit purchase including, but
29 not limited to, conviction of a felony as described in Section 12021
30 or an offense described in Section 12021.1, the purchaser's status
31 as a person described in Section 8100 of the Welfare and
32 Institutions Code, whether the purchaser is a person who has been
33 adjudicated by a court to be a danger to others or found not guilty
34 by reason of insanity, whether the purchaser is a person who has
35 been found incompetent to stand trial or placed under
36 conservatorship by a court pursuant to Section 8103 of the Welfare
37 and Institutions Code, signature of purchaser, signature of
38 salesperson (as a witness to the purchaser's signature),
39 salesperson's certificate of eligibility number if he or she has
40 obtained a certificate of eligibility, name and complete address of

1 the dealer or firm selling the firearm as shown on the dealer's
2 license, the establishment number, if assigned, the dealer's
3 complete business telephone number, any information required by
4 Section 12082, any information required to determine whether or
5 not paragraph (6) of subdivision (c) of Section 12072 applies, and
6 a statement of the penalties for any person signing a fictitious name
7 or address or for knowingly furnishing any incorrect information
8 or for knowingly omitting any information required to be provided
9 for the register.

10 (2) Effective January 1, 2003, the purchaser shall provide his
11 or her right thumbprint on the register in a manner prescribed by
12 the department. No exception to this requirement shall be permitted
13 except by regulations adopted by the department.

14 (3) The firearms dealer shall record on the register or record of
15 electronic transfer the date that the handgun is delivered, together
16 with the firearms dealer's signature indicating delivery of the
17 handgun.

18 (4) The purchaser shall sign on the register or the record of
19 electronic or telephonic transfer the date that the handgun was
20 delivered to him or her.

21 (c) (1) For firearms other than handguns, information contained
22 in the register or record of electronic transfer shall be the date and
23 time of sale, peace officer exemption status pursuant to subdivision
24 (a) of Section 12078 and the agency name, any applicable waiting
25 period exemption, California Firearms Dealer number issued
26 pursuant to Section 12071, full name of purchaser, purchaser's
27 complete date of birth, purchaser's local address, if current address
28 is temporary, complete permanent address of purchaser,
29 identification of purchaser, purchaser's place of birth (state or
30 country), purchaser's complete telephone number, purchaser's
31 occupation, purchaser's sex, purchaser's physical description, all
32 legal names and aliases ever used by the purchaser, yes or no
33 answer to questions that prohibit purchase, including, but not
34 limited to, conviction of a felony as described in Section 12021
35 or an offense described in Section 12021.1, the purchaser's status
36 as a person described in Section 8100 of the Welfare and
37 Institutions Code, whether the purchaser is a person who has been
38 adjudicated by a court to be a danger to others or found not guilty
39 by reason of insanity, whether the purchaser is a person who has
40 been found incompetent to stand trial or placed under

1 conservatorship by a court pursuant to Section 8103 of the Welfare
2 and Institutions Code, signature of purchaser, signature of
3 salesperson (as a witness to the purchaser's signature),
4 salesperson's certificate of eligibility number if he or she has
5 obtained a certificate of eligibility, name and complete address of
6 the dealer or firm selling the firearm as shown on the dealer's
7 license, the establishment number, if assigned, the dealer's
8 complete business telephone number, any information required by
9 Section 12082, and a statement of the penalties for any person
10 signing a fictitious name or address or for knowingly furnishing
11 any incorrect information or for knowingly omitting any
12 information required to be provided for the register.

13 (2) Effective January 1, 2003, the purchaser shall provide his
14 or her right thumbprint on the register in a manner prescribed by
15 the department. No exception to this requirement shall be permitted
16 except by regulations adopted by the department.

17 (3) The firearms dealer shall record on the register or record of
18 electronic transfer the date that the firearm is delivered.

19 (d) Where the register is used, the following shall apply:

20 (1) Dealers shall use ink to complete each document.

21 (2) The dealer or salesperson making a sale shall ensure that all
22 information is provided legibly. The dealer and salespersons shall
23 be informed that incomplete or illegible information will delay
24 sales.

25 (3) Each dealer shall be provided instructions regarding the
26 procedure for completion of the form and routing of the form.
27 Dealers shall comply with these instructions which shall include
28 the information set forth in this subdivision.

29 (4) One firearm transaction shall be reported on each record of
30 sale document. For purposes of this subdivision, a "transaction"
31 means a single sale, loan, or transfer of any number of firearms
32 that are not handguns.

33 (e) The dealer or salesperson making a sale shall ensure that all
34 required information has been obtained from the purchaser. The
35 dealer and all salespersons shall be informed that incomplete
36 information will delay sales.

37 (f) Effective January 1, 2003, the purchaser's name, date of
38 birth, and driver's license or identification number shall be obtained
39 electronically from the magnetic strip on the purchaser's driver's
40 license or identification and shall not be supplied by any other

1 means except as authorized by the department. This requirement
2 shall not apply in either of the following cases:

3 (1) The purchaser's identification consists of a military
4 identification card.

5 (2) Due to technical limitations, the magnetic stripe reader is
6 unable to obtain the required information from the purchaser's
7 identification. In those circumstances, the firearms dealer shall
8 obtain a photocopy of the identification as proof of compliance.

9 (3) In the event that the dealer has reported to the department
10 that the dealer's equipment has failed, information pursuant to this
11 subdivision shall be obtained by an alternative method to be
12 determined by the department.

13 (g) As used in this section, the following definitions shall
14 control:

15 (1) "Purchaser" means the purchaser or transferee of a firearm
16 or the person being loaned a firearm.

17 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

18 (3) "Sale" means the sale, loan, or transfer of a firearm.

19 SEC. 5. Section 12078 of the Penal Code is amended to read:

20 12078. (a) (1) The waiting periods described in Sections 12071
21 and 12072 shall not apply to the deliveries, transfers, or sales of
22 firearms made to persons properly identified as full-time paid peace
23 officers as defined in Chapter 4.5 (commencing with Section 830)
24 of Title 3 of Part 2, provided that the peace officers are authorized
25 by their employer to carry firearms while in the performance of
26 their duties. Proper identification is defined as verifiable written
27 certification from the head of the agency by which the purchaser
28 or transferee is employed, identifying the purchaser or transferee
29 as a peace officer who is authorized to carry firearms while in the
30 performance of his or her duties, and authorizing the purchase or
31 transfer. The certification shall be delivered to the dealer at the
32 time of purchase or transfer and the purchaser or transferee shall
33 identify himself or herself as the person authorized in the
34 certification. The dealer shall keep the certification with the record
35 of sale. On the date that the delivery, sale, or transfer is made, the
36 dealer delivering the firearm shall transmit to the Department of
37 Justice an electronic or telephonic report of the transaction as is
38 indicated in subdivision (b) or (c) of Section 12077.

39 (2) Subdivision (b) of Section 12801 and the preceding
40 provisions of this article do not apply to deliveries, transfers, or

1 sales of firearms made to authorized law enforcement
2 representatives of cities, counties, cities and counties, or state or
3 federal governments for exclusive use by those governmental
4 agencies if, prior to the delivery, transfer, or sale of these firearms,
5 written authorization from the head of the agency authorizing the
6 transaction is presented to the person from whom the purchase,
7 delivery, or transfer is being made. Proper written authorization
8 is defined as verifiable written certification from the head of the
9 agency by which the purchaser or transferee is employed,
10 identifying the employee as an individual authorized to conduct
11 the transaction, and authorizing the transaction for the exclusive
12 use of the agency by which he or she is employed. Within 10 days
13 of the date a handgun is acquired by the agency, a record of the
14 same shall be entered as an institutional weapon into the Automated
15 Firearms System (AFS) via the California Law Enforcement
16 Telecommunications System (CLETS) by the law enforcement or
17 state agency. Those agencies without access to AFS shall arrange
18 with the sheriff of the county in which the agency is located to
19 input this information via this system.

20 (3) Subdivision (b) of Section 12801 and the preceding
21 provisions of this article do not apply to the loan of a firearm made
22 by an authorized law enforcement representative of a city, county,
23 or city and county, or the state or federal government to a peace
24 officer employed by that agency and authorized to carry a firearm
25 for the carrying and use of that firearm by that peace officer in the
26 course and scope of his or her duties.

27 (4) Subdivision (b) of Section 12801 and the preceding
28 provisions of this article do not apply to the delivery, sale, or
29 transfer of a firearm by a law enforcement agency to a peace officer
30 pursuant to Section 10334 of the Public Contract Code. Within 10
31 days of the date that a handgun is sold, delivered, or transferred
32 pursuant to Section 10334 of the Public Contract Code to that
33 peace officer, the name of the officer and the make, model, serial
34 number, and other identifying characteristics of the firearm being
35 sold, transferred, or delivered shall be entered into the Automated
36 Firearms System (AFS) via the California Law Enforcement
37 Telecommunications System (CLETS) by the law enforcement or
38 state agency that sold, transferred, or delivered the firearm. Those
39 agencies without access to AFS shall arrange with the sheriff of

1 the county in which the agency is located to input this information
2 via this system.

3 (5) Subdivision (b) of Section 12801 and the preceding
4 provisions of this article do not apply to the delivery, sale, or
5 transfer of a firearm by a law enforcement agency to a retiring
6 peace officer who is authorized to carry a firearm pursuant to
7 Section 12027.1. Within 10 days of the date that a handgun is sold,
8 delivered, or transferred to that retiring peace officer, the name of
9 the officer and the make, model, serial number, and other
10 identifying characteristics of the firearm being sold, transferred,
11 or delivered shall be entered into the Automated Firearms System
12 (AFS) via the California Law Enforcement Telecommunications
13 System (CLETS) by the law enforcement or state agency that sold,
14 transferred, or delivered the firearm. Those agencies without access
15 to AFS shall arrange with the sheriff of the county in which the
16 agency is located to input this information via this system.

17 (6) Subdivision (d) of Section 12072; and subdivision (b) of
18 Section 12801 do not apply to sales, deliveries, or transfers of
19 firearms to authorized representatives of cities, cities and counties,
20 counties, or state or federal governments for those governmental
21 agencies where the entity is acquiring the weapon as part of an
22 authorized, voluntary program where the entity is buying or
23 receiving weapons from private individuals. Any weapons acquired
24 pursuant to this paragraph shall be disposed of pursuant to the
25 applicable provisions of Section 12028 or 12032.

26 (7) Subdivision (d) of Section 12072 and subdivision (b) of
27 Section 12801 shall not apply to the sale, loan, delivery, or transfer
28 of a firearm made by an authorized law enforcement representative
29 of a city, county, city and county, state, or the federal government
30 to any public or private nonprofit historical society, museum, or
31 institutional collection or the purchase or receipt of that firearm
32 by that public or private nonprofit historical society, museum, or
33 institutional collection if all of the following conditions are met:

34 (A) The entity receiving the firearm is open to the public.

35 (B) The firearm prior to delivery is deactivated or rendered
36 inoperable.

37 (C) The firearm is not subject to Section 12028, 12028.5, 12030,
38 or 12032.

39 (D) The firearm is not prohibited by other provisions of law
40 from being sold, delivered, or transferred to the public at large.

1 (E) Prior to delivery, the entity receiving the firearm submits a
2 written statement to the law enforcement representative stating
3 that the firearm will not be restored to operating condition, and
4 will either remain with that entity, or if subsequently disposed of,
5 will be transferred in accordance with the applicable provisions
6 of this article and, if applicable, Section 12801.

7 (F) Within 10 days of the date that the firearm is sold, loaned,
8 delivered, or transferred to that entity, the name of the government
9 entity delivering the firearm, and the make, model, serial number,
10 and other identifying characteristics of the firearm and the name
11 of the person authorized by the entity to take possession of the
12 firearm shall be reported to the department in a manner prescribed
13 by the department.

14 (G) In the event of a change in the status of the designated
15 representative, the entity shall notify the department of a new
16 representative within 30 days.

17 (8) Subdivision (d) of Section 12072 and subdivision (b) of
18 Section 12801 shall not apply to the sale, loan, delivery, or transfer
19 of a firearm made by any person other than a representative of an
20 authorized law enforcement agency to any public or private
21 nonprofit historical society, museum, or institutional collection if
22 all of the following conditions are met:

23 (A) The entity receiving the firearm is open to the public.

24 (B) The firearm is deactivated or rendered inoperable prior to
25 delivery.

26 (C) The firearm is not of a type prohibited from being sold,
27 delivered, or transferred to the public.

28 (D) Prior to delivery, the entity receiving the firearm submits a
29 written statement to the person selling, loaning, or transferring the
30 firearm stating that the firearm will not be restored to operating
31 condition, and will either remain with that entity, or if subsequently
32 disposed of, will be transferred in accordance with the applicable
33 provisions of this article and, if applicable, Section 12801.

34 (E) If title to a handgun is being transferred to the public or
35 private nonprofit historical society, museum, or institutional
36 collection, then the designated representative of that public or
37 private historical society, museum, or institutional collection,
38 within 30 days of taking possession of that handgun, shall forward
39 by prepaid mail or deliver in person to the Department of Justice,
40 a single report signed by both parties to the transaction, that

1 includes information identifying the person representing that public
2 or private historical society, museum, or institutional collection,
3 how title was obtained and from whom, and a description of the
4 firearm in question, along with a copy of the written statement
5 referred to in subparagraph (D). The report forms that are to be
6 completed pursuant to this paragraph shall be provided by the
7 Department of Justice.

8 (F) In the event of a change in the status of the designated
9 representative, the entity shall notify the department of a new
10 representative within 30 days.

11 (9) Section 12070, subdivision (d) of Section 12072, and
12 subdivision (b) of Section 12801 do not apply to the delivery, sale,
13 or transfer of firearms when made by authorized law enforcement
14 representatives of cities, counties, cities and counties, or of the
15 state or federal government, if all of the following conditions are
16 met:

17 (A) The sale, delivery, or transfer is made to one of the
18 following:

19 (i) A person licensed pursuant to Section 12071.

20 (ii) A wholesaler.

21 (iii) A manufacturer or importer of firearms licensed to engage
22 in that business pursuant to Chapter 44 (commencing with Section
23 921) of Title 18 of the United States Code and the regulations
24 issued pursuant thereto.

25 (B) The sale, delivery, or transfer of the firearm is not subject
26 to the procedures set forth in Section 12028, 12030, or 12032.

27 (C) Where the sale, delivery, or transfer is of a handgun, on the
28 date that the handgun is delivered pursuant to this subdivision by
29 the agency, a record of the delivery has been entered into the
30 Automated Firearms System (AFS) via the California Law
31 Enforcement Telecommunications System (CLETS) by the law
32 enforcement or state agency. Those agencies without access to
33 AFS shall arrange with the sheriff of the county in which the
34 agency is located to input this information via this system.

35 (10) Any agency that is the registered owner of an institutional
36 weapon in accordance with paragraph (2), which subsequently
37 destroys the same, shall enter that information into the AFS via
38 CLETS within 10 days of the destruction in accordance with
39 procedures prescribed by the Department of Justice. Agencies
40 without access to AFS shall arrange with the sheriff of the county

1 in which the agency is located to input this information via this
2 system.

3 (b) (1) Section 12071, subdivisions (c) and (d) of Section
4 12072, and subdivision (b) of Section 12801 shall not apply to
5 deliveries, sales, or transfers of firearms between or to importers
6 and manufacturers of firearms licensed to engage in that business
7 pursuant to Chapter 44 (commencing with Section 921) of Title
8 18 of the United States Code and the regulations issued pursuant
9 thereto.

10 (2) Subdivision (b) of Section 12801 shall not apply to the
11 delivery, sale, or transfer of a handgun to a person licensed pursuant
12 to Section 12071, where the licensee is receiving the handgun in
13 the course and scope of his or her activities as a person licensed
14 pursuant to Section 12071.

15 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
16 infrequent transfer of a firearm that is not a handgun by gift,
17 bequest, intestate succession, or other means by one individual to
18 another if both individuals are members of the same immediate
19 family.

20 (2) Subdivision (d) of Section 12072 shall not apply to the
21 infrequent transfer of a handgun by gift, bequest, intestate
22 succession, or other means by one individual to another if both
23 individuals are members of the same immediate family and all of
24 the following conditions are met:

25 (A) The person to whom the firearm is transferred shall, within
26 30 days of taking possession of the firearm, forward by prepaid
27 mail or deliver in person to the Department of Justice, a report that
28 includes information concerning the individual taking possession
29 of the firearm, how title was obtained and from whom, and a
30 description of the firearm in question. The report forms that
31 individuals complete pursuant to this paragraph shall be provided
32 to them by the Department of Justice.

33 (B) The person taking title to the firearm shall first obtain a
34 handgun safety certificate.

35 (C) The person receiving the firearm is 18 years of age or older.

36 (3) As used in this subdivision, “immediate family member”
37 means any one of the following relationships:

38 (A) Parent and child.

39 (B) Grandparent and grandchild.

(d) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent loan of firearms between persons who are personally known to each other for any lawful purpose, if the loan does not exceed 30 days in duration and, when the firearm is a handgun, commencing January 1, 2003, the individual being loaned the handgun has a valid handgun safety certificate.

(2) Subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a firearm where all of the following conditions exist:

(A) The person loaning the firearm is at all times within the presence of the person being loaned the firearm.

(B) The loan is for a lawful purpose.

(C) The loan does not exceed three days in duration.

(D) The individual receiving the firearm is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(E) The person loaning the firearm is 18 years of age or older.

(F) The person being loaned the firearm is 18 years of age or older.

(e) Section 12071, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith.

(f) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, delivery, or transfer of firearms by persons who reside in this state to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(g) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent sale or transfer of a firearm, other than a handgun, at auctions or similar events conducted by nonprofit mutual or public benefit corporations organized pursuant to the Corporations Code.

As used in this paragraph, the term “infrequent” shall not be construed to prohibit different local chapters of the same nonprofit corporation from conducting auctions or similar events, provided the individual local chapter conducts the auctions or similar events

1 infrequently. It is the intent of the Legislature that different local
2 chapters, representing different localities, be entitled to invoke the
3 exemption created by this paragraph, notwithstanding the frequency
4 with which other chapters of the same nonprofit corporation may
5 conduct auctions or similar events.

6 (2) Subdivision (d) of Section 12072 shall not apply to the
7 transfer of a firearm other than a handgun, if the firearm is donated
8 for an auction or similar event described in paragraph (1) and the
9 firearm is delivered to the nonprofit corporation immediately
10 preceding, or contemporaneous with, the auction or similar event.

11 (3) The waiting period described in Sections 12071 and 12072
12 shall not apply to a dealer who delivers a firearm other than a
13 handgun at an auction or similar event described in paragraph (1),
14 as authorized by subparagraph (C) of paragraph (1) of subdivision
15 (b) of Section 12071. Within two business days of completion of
16 the application to purchase, the dealer shall forward by prepaid
17 mail to the Department of Justice a report of the same as is
18 indicated in subdivision (c) of Section 12077. If the electronic or
19 telephonic transfer of applicant information is used, within two
20 business days of completion of the application to purchase, the
21 dealer delivering the firearm shall transmit to the Department of
22 Justice an electronic or telephonic report of the same as is indicated
23 in subdivision (c) of Section 12077.

24 (h) Subdivision (d) of Section 12072 and subdivision (b) of
25 Section 12801 shall not apply to the loan of a firearm to a person
26 18 years of age or older for the purposes of shooting at targets if
27 the loan occurs on the premises of a target facility that holds a
28 business or regulatory license or on the premises of any club or
29 organization organized for the purposes of practicing shooting at
30 targets upon established ranges, whether public or private, if the
31 firearm is at all times kept within the premises of the target range
32 or on the premises of the club or organization.

33 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
34 person who takes title or possession of a firearm that is not a
35 handgun by operation of law if the person is not prohibited by state
36 or federal law from possessing, receiving, owning, or purchasing
37 a firearm.

38 (2) Subdivision (d) of Section 12072 shall not apply to a person
39 who takes title or possession of a handgun by operation of law if
40 the person is not prohibited by state or federal law from possessing,

1 receiving, owning, or purchasing a firearm and all of the following
2 conditions are met:

3 (A) If the person taking title or possession is neither a levying
4 officer as defined in Section 481.140, 511.060, or 680.210 of the
5 Code of Civil Procedure, nor a person who is receiving that firearm
6 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
7 subdivision (u), the person shall, within 30 days of taking
8 possession, forward by prepaid mail or deliver in person to the
9 Department of Justice, a report of information concerning the
10 individual taking possession of the firearm, how title or possession
11 was obtained and from whom, and a description of the firearm in
12 question. The reports that individuals complete pursuant to this
13 paragraph shall be provided to them by the department.

14 (B) If the person taking title or possession is receiving the
15 firearm pursuant to subparagraph (G) of paragraph (2) of
16 subdivision (u), the person shall do both of the following:

17 (i) Within 30 days of taking possession, forward by prepaid
18 mail or deliver in person to the department, a report of information
19 concerning the individual taking possession of the firearm, how
20 title or possession was obtained and from whom, and a description
21 of the firearm in question. The reports that individuals complete
22 pursuant to this paragraph shall be provided to them by the
23 department.

24 (ii) Prior to taking title or possession of the firearm, the person
25 shall obtain a handgun safety certificate.

26 (C) Where the person receiving title or possession of the
27 handgun is a person described in subparagraph (I) of paragraph
28 (2) of subdivision (u), on the date that the person is delivered the
29 firearm, the name and other information concerning the person
30 taking possession of the firearm, how title or possession of the
31 firearm was obtained and from whom, and a description of the
32 firearm by make, model, serial number, and other identifying
33 characteristics; shall be entered into the Automated Firearms
34 System (AFS) via the California Law Enforcement
35 Telecommunications System (CLETS) by the law enforcement or
36 state agency that transferred or delivered the firearm. Those
37 agencies without access to AFS shall arrange with the sheriff of
38 the county in which the agency is located to input this information
39 via this system.

(D) Where the person receiving title or possession of the handgun is a person described in subparagraph (J) of paragraph (2) of subdivision (u), on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics; shall be entered into the AFS via the CLETS by the law enforcement or state agency that transferred or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system. In addition, that law enforcement agency shall not deliver that handgun to the person referred to in this subparagraph unless, prior to the delivery of the same, the person presents proof to the agency that he or she is the holder of a handgun safety certificate.

(3) Subdivision (d) of Section 12072 shall not apply to a person who takes possession of a firearm by operation of law in a representative capacity who subsequently transfers ownership of the firearm to himself or herself in his or her individual capacity. In the case of a handgun, the individual shall obtain a handgun safety certificate prior to transferring ownership to himself or herself, or taking possession of a handgun in an individual capacity.

(j) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to deliveries, transfers, or returns of firearms made pursuant to Section 12021.3, 12028, 12028.5, or 12030.

(k) Section 12071, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are not handguns by a dealer to another dealer upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(2) The delivery, sale, or transfer of unloaded firearms by dealers to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

1 (3) The delivery, sale, or transfer of unloaded firearms to a
2 wholesaler if the firearms are being returned to the wholesaler and
3 are intended as merchandise in the wholesaler's business.

4 (4) The delivery, sale, or transfer of unloaded firearms by one
5 dealer to another dealer if the firearms are intended as merchandise
6 in the receiving dealer's business upon proof of compliance with
7 the requirements of paragraph (1) of subdivision (f) of Section
8 12072.

9 (5) The delivery, sale, or transfer of an unloaded firearm that is
10 not a handgun by a dealer to himself or herself.

11 (6) The loan of an unloaded firearm by a dealer who also
12 operates a target facility that holds a business or regulatory license
13 on the premises of the building designated in the license or whose
14 building designated in the license is on the premises of any club
15 or organization organized for the purposes of practicing shooting
16 at targets upon established ranges, whether public or private, to a
17 person at that target facility or that club or organization, if the
18 firearm is at all times kept within the premises of the target range
19 or on the premises of the club or organization.

20 (l) A person who is exempt from subdivision (d) of Section
21 12072 or is otherwise not required by law to report his or her
22 acquisition, ownership, destruction, or disposal of a firearm or
23 who moves out of this state with his or her firearm may submit a
24 report of the same to the Department of Justice in a format
25 prescribed by the department.

26 (m) Subdivision (d) of Section 12072 and subdivision (b) of
27 Section 12801 shall not apply to the delivery, sale, or transfer of
28 unloaded firearms to a wholesaler as merchandise in the
29 wholesaler's business by manufacturers or importers licensed to
30 engage in that business pursuant to Chapter 44 (commencing with
31 Section 921) of Title 18 of the United States Code and the
32 regulations issued pursuant thereto, or by another wholesaler, if
33 the delivery, sale, or transfer is made in accordance with Chapter
34 44 (commencing with Section 921) of Title 18 of the United States
35 Code.

36 (n) (1) The waiting period described in Section 12071 or 12072
37 shall not apply to the delivery, sale, or transfer of a handgun by a
38 dealer in either of the following situations:

39 (A) The dealer is delivering the firearm to another dealer and
40 it is not intended as merchandise in the receiving dealer's business.

1 (B) The dealer is delivering the firearm to himself or herself
2 and it is not intended as merchandise in his or her business.

3 (2) In order for this subdivision to apply, both of the following
4 shall occur:

5 (A) If the dealer is receiving the firearm from another dealer,
6 the dealer receiving the firearm shall present proof to the dealer
7 delivering the firearm that he or she is licensed pursuant to Section
8 12071 by complying with paragraph (1) of subdivision (f) of
9 Section 12072.

10 (B) Whether the dealer is delivering, selling, or transferring the
11 firearm to himself or herself or to another dealer, on the date that
12 the application to purchase is completed, the dealer delivering the
13 firearm shall forward by prepaid mail to the Department of Justice
14 a report of the same and the type of information concerning the
15 purchaser or transferee as is indicated in subdivision (b) of Section
16 12077. Where the electronic or telephonic transfer of applicant
17 information is used, on the date that the application to purchase is
18 completed, the dealer delivering the firearm shall transmit an
19 electronic or telephonic report of the same and the type of
20 information concerning the purchaser or transferee as is indicated
21 in subdivision (b) of Section 12077.

22 (o) Section 12071 and subdivisions (c), (d), and paragraph (1)
23 of subdivision (f) of Section 12072 shall not apply to the delivery,
24 sale, or transfer of firearms regulated pursuant to Section 12020,
25 Chapter 2 (commencing with Section 12200), or Chapter 2.3
26 (commencing with Section 12275), if the delivery, sale, or transfer
27 is conducted in accordance with the applicable provisions of
28 Section 12020, Chapter 2 (commencing with Section 12200), or
29 Chapter 2.3 (commencing with Section 12275).

30 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
31 Section 12072 shall not apply to the loan of a firearm that is not a
32 handgun to a minor, with the express permission of the parent or
33 legal guardian of the minor, if the loan does not exceed 30 days
34 in duration and is for a lawful purpose.

35 (2) Paragraph (3) of subdivision (a) of Section 12072,
36 subdivision (d) of Section 12072, and subdivision (b) of Section
37 12801 shall not apply to the loan of a handgun to a minor by a
38 person who is not the parent or legal guardian of the minor if all
39 of the following circumstances exist:

1 (A) The minor has the written consent of his or her parent or
2 legal guardian that is presented at the time of, or prior to the time
3 of, the loan, or is accompanied by his or her parent or legal
4 guardian at the time the loan is made.

5 (B) The minor is being loaned the firearm for the purpose of
6 engaging in a lawful, recreational sport, including, but not limited
7 to, competitive shooting, or agricultural, ranching, or hunting
8 activity, or a motion picture, television, or video production, or
9 entertainment or theatrical event, the nature of which involves the
10 use of a firearm.

11 (C) The duration of the loan does not exceed the amount of time
12 that is reasonably necessary to engage in the lawful, recreational
13 sport, including, but not limited to, competitive shooting, or
14 agricultural, ranching, or hunting activity, or a motion picture,
15 television, or video production, or entertainment or theatrical event,
16 the nature of which involves the use of a firearm.

17 (D) The duration of the loan does not, in any event, exceed 10
18 days.

19 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
20 Section 12072, and subdivision (b) of Section 12801 shall not
21 apply to the loan of a handgun to a minor by his or her parent or
22 legal guardian if both of the following circumstances exist:

23 (A) The minor is being loaned the firearm for the purposes of
24 engaging in a lawful, recreational sport, including, but not limited
25 to, competitive shooting, or agricultural, ranching, or hunting
26 activity, or a motion picture, television, or video production, or
27 entertainment or theatrical event, the nature of which involves the
28 use of a firearm.

29 (B) The duration of the loan does not exceed the amount of time
30 that is reasonably necessary to engage in the lawful, recreational
31 sport, including, but not limited to, competitive shooting, or
32 agricultural, ranching, or hunting activity, or a motion picture,
33 television, or video production, or entertainment or theatrical event,
34 the nature of which involves the use of a firearm.

35 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
36 Section 12072 shall not apply to the transfer or loan of a firearm
37 that is not a handgun to a minor by his or her parent or legal
38 guardian.

39 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
40 Section 12072 shall not apply to the transfer or loan of a firearm

1 that is not a handgun to a minor by his or her grandparent who is
2 not the legal guardian of the minor if the transfer is done with the
3 express permission of the parent or legal guardian of the minor.

4 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
5 Section 12072 shall not apply to the sale of a handgun if both of
6 the following requirements are satisfied:

7 (A) The sale is to a person who is at least 18 years of age.

8 (B) The firearm is an antique firearm as defined in paragraph
9 (16) of subsection (a) of Section 921 of Title 18 of the United
10 States Code.

11 (q) Subdivision (d) of Section 12072 shall not apply to the loan
12 of a firearm that is not a handgun to a licensed hunter for use by
13 that licensed hunter for a period of time not to exceed the duration
14 of the hunting season for which that firearm is to be used.

15 (r) The waiting period described in Section 12071 or 12072
16 shall not apply to the delivery, sale, or transfer of a firearm to the
17 holder of a special weapons permit issued by the Department of
18 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.
19 On the date that the application to purchase is completed, the dealer
20 delivering the firearm shall transmit to the Department of Justice
21 an electronic or telephonic report of the same as is indicated in
22 subdivision (b) or (c) of Section 12077.

23 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
24 Section 12801 shall not apply to the infrequent loan of an unloaded
25 firearm by a person who is neither a dealer as defined in Section
26 12071 nor a federal firearms licensee pursuant to Chapter 44 of
27 Title 18 of the United States Code, to a person 18 years of age or
28 older for use solely as a prop in a motion picture, television, video,
29 theatrical, or other entertainment production or event.

30 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
31 Section 12072, and subdivision (b) of Section 12801 shall not
32 apply to the loan of an unloaded firearm by a person who is not a
33 dealer as defined in Section 12071 but who is a federal firearms
34 licensee pursuant to Chapter 44 of Title 18 of the United States
35 Code, to a person who possesses a valid entertainment firearms
36 permit issued pursuant to Section 12081, for use solely as a prop
37 in a motion picture, television, video, theatrical, or other
38 entertainment production or event. The person loaning the firearm
39 pursuant to this paragraph shall retain a photocopy of the

1 entertainment firearms permit as proof of compliance with this
2 requirement.

3 (3) Subdivision (b) of Section 12071, subdivision (c) of, and
4 paragraph (1) of subdivision (f) of, Section 12072, and subdivision
5 (b) of Section 12801 shall not apply to the loan of an unloaded
6 firearm by a dealer as defined in Section 12071, to a person who
7 possesses a valid entertainment firearms permit issued pursuant
8 to Section 12081, for use solely as a prop in a motion picture,
9 television, video, theatrical, or other entertainment production or
10 event. The dealer shall retain a photocopy of the entertainment
11 firearms permit as proof of compliance with this requirement.

12 (4) Subdivision (b) of Section 12071, subdivision (c) and
13 paragraph (1) of subdivision (f) of Section 12072, and subdivision
14 (b) of Section 12801 shall not apply to the loan of an unloaded
15 firearm to a consultant-evaluator by a person licensed pursuant to
16 Section 12071 if the loan does not exceed 45 days from the date
17 of delivery. At the time of the loan, the consultant-evaluator shall
18 provide the following information, which the dealer shall retain
19 for two years:

20 (A) A photocopy of a valid, current, government-issued
21 identification to determine the consultant-evaluator's identity,
22 including, but not limited to, a California driver's license,
23 identification card, or passport.

24 (B) A photocopy of the consultant-evaluator's valid, current
25 certificate of eligibility.

26 (C) A letter from the person licensed as an importer,
27 manufacturer, or dealer pursuant to Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code, with whom the
29 consultant-evaluator has a bona fide business relationship. The
30 letter shall detail the bona fide business purposes for which the
31 firearm is being loaned and confirm that the consultant-evaluator
32 is being loaned the firearm as part of a bona fide business
33 relationship.

34 (D) The signature of the consultant-evaluator on a form
35 indicating the date the firearm is loaned and the last day the firearm
36 may be returned.

37 (t) (1) The waiting period described in Section 12071 or 12072
38 shall not apply to the sale, delivery, loan, or transfer of a firearm
39 that is a curio or relic, as defined in Section 478.11 of Title 27 of
40 the Code of Federal Regulations, or its successor, by a dealer to a

1 person who is licensed as a collector pursuant to Chapter 44
2 (commencing with Section 921) of Title 18 of the United States
3 Code and the regulations issued pursuant thereto who has a current
4 certificate of eligibility issued to him or her by the Department of
5 Justice pursuant to Section 12071. On the date that the delivery,
6 sale, or transfer is made, the dealer delivering the firearm shall
7 transmit to the Department of Justice an electronic or telephonic
8 report of the transaction as is indicated in subdivision (b) or (c) of
9 Section 12077.

10 (2) Subdivision (d) and paragraph (1) of subdivision (f) of
11 Section 12072 shall not apply to the infrequent sale, loan, or
12 transfer of a firearm that is not a handgun, which is a curio or relic
13 manufactured at least 50 years prior to the current date, but not
14 including replicas thereof, as defined in Section 478.11 of Title
15 27 of the Code of Federal Regulations, or its successor.

16 (u) As used in this section:

17 (1) “Infrequent” has the same meaning as in paragraph (1) of
18 subdivision (c) of Section 12070.

19 (2) “A person taking title or possession of firearms by operation
20 of law” includes, but is not limited to, any of the following
21 instances wherein an individual receives title to, or possession of,
22 firearms:

23 (A) The executor or administrator of an estate if the estate
24 includes firearms.

25 (B) A secured creditor or an agent or employee thereof when
26 the firearms are possessed as collateral for, or as a result of, a
27 default under a security agreement under the Commercial Code.

28 (C) A levying officer, as defined in Section 481.140, 511.060,
29 or 680.260 of the Code of Civil Procedure.

30 (D) A receiver performing his or her functions as a receiver if
31 the receivership estate includes firearms.

32 (E) A trustee in bankruptcy performing his or her duties if the
33 bankruptcy estate includes firearms.

34 (F) An assignee for the benefit of creditors performing his or
35 her functions as an assignee, if the assignment includes firearms.

36 (G) A transmutation of property consisting of firearms pursuant
37 to Section 850 of the Family Code.

38 (H) Firearms passing to a surviving spouse pursuant to Chapter
39 1 (commencing with Section 13500) of Part 2 of Division 8 of the
40 Probate Code.

1 (I) Firearms received by the family of a police officer or deputy
2 sheriff from a local agency pursuant to Section 50081 of the
3 Government Code.

4 (J) The transfer of a firearm by a law enforcement agency to
5 the person who found the firearm where the delivery is to the
6 person as the finder of the firearm pursuant to Article 1
7 (commencing with Section 2080) of Chapter 4 of Division 3 of
8 the Civil Code.

9 *SEC. 5.5. Section 12078 of the Penal Code is amended to read:*

10 12078. (a) (1) The waiting periods described in Sections 12071
11 and 12072 shall not apply to the deliveries, transfers, or sales of
12 firearms made to persons properly identified as full-time paid peace
13 officers as defined in Chapter 4.5 (commencing with Section 830)
14 of Title 3 of Part 2, provided that the peace officers are authorized
15 by their employer to carry firearms while in the performance of
16 their duties. Proper identification is defined as verifiable written
17 certification from the head of the agency by which the purchaser
18 or transferee is employed, identifying the purchaser or transferee
19 as a peace officer who is authorized to carry firearms while in the
20 performance of his or her duties, and authorizing the purchase or
21 transfer. The certification shall be delivered to the dealer at the
22 time of purchase or transfer and the purchaser or transferee shall
23 identify himself or herself as the person authorized in the
24 certification. The dealer shall keep the certification with the record
25 of sale. On the date that the delivery, sale, or transfer is made, the
26 dealer delivering the firearm shall transmit to the Department of
27 Justice an electronic or telephonic report of the transaction as is
28 indicated in subdivision (b) or (c) of Section 12077.

29 (2) Subdivision (b) of Section 12801 and the preceding
30 provisions of this article do not apply to deliveries, transfers, or
31 sales of firearms made to authorized law enforcement
32 representatives of cities, counties, cities and counties, or state or
33 federal governments for exclusive use by those governmental
34 agencies if, prior to the delivery, transfer, or sale of these firearms,
35 written authorization from the head of the agency authorizing the
36 transaction is presented to the person from whom the purchase,
37 delivery, or transfer is being made. Proper written authorization
38 is defined as verifiable written certification from the head of the
39 agency by which the purchaser or transferee is employed,
40 identifying the employee as an individual authorized to conduct

1 the transaction, and authorizing the transaction for the exclusive
2 use of the agency by which he or she is employed. Within 10 days
3 of the date a handgun is acquired by the agency, a record of the
4 same shall be entered as an institutional weapon into the Automated
5 Firearms System (AFS) via the California Law Enforcement
6 Telecommunications System (CLETS) by the law enforcement or
7 state agency. Those agencies without access to AFS shall arrange
8 with the sheriff of the county in which the agency is located to
9 input this information via this system.

10 (3) Subdivision (b) of Section 12801 and the preceding
11 provisions of this article do not apply to the loan of a firearm made
12 by an authorized law enforcement representative of a city, county,
13 or city and county, or the state or federal government to a peace
14 officer employed by that agency and authorized to carry a firearm
15 for the carrying and use of that firearm by that peace officer in the
16 course and scope of his or her duties.

17 (4) Subdivision (b) of Section 12801 and the preceding
18 provisions of this article do not apply to the delivery, sale, or
19 transfer of a firearm by a law enforcement agency to a peace officer
20 pursuant to Section 10334 of the Public Contract Code. Within 10
21 days of the date that a handgun is sold, delivered, or transferred
22 pursuant to Section 10334 of the Public Contract Code to that
23 peace officer, the name of the officer and the make, model, serial
24 number, and other identifying characteristics of the firearm being
25 sold, transferred, or delivered shall be entered into the Automated
26 Firearms System (AFS) via the California Law Enforcement
27 Telecommunications System (CLETS) by the law enforcement or
28 state agency that sold, transferred, or delivered the firearm. Those
29 agencies without access to AFS shall arrange with the sheriff of
30 the county in which the agency is located to input this information
31 via this system.

32 (5) Subdivision (b) of Section 12801 and the preceding
33 provisions of this article do not apply to the delivery, sale, or
34 transfer of a firearm by a law enforcement agency to a retiring
35 peace officer who is authorized to carry a firearm pursuant to
36 Section 12027.1. Within 10 days of the date that a handgun is sold,
37 delivered, or transferred to that retiring peace officer, the name of
38 the officer and the make, model, serial number, and other
39 identifying characteristics of the firearm being sold, transferred,
40 or delivered shall be entered into the Automated Firearms System

(AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, transferred, or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of the county in which the agency is located to input this information via this system.

(6) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 do not apply to sales, deliveries, or transfers of firearms to authorized representatives of cities, cities and counties, counties, or state or federal governments for those governmental agencies where the entity is acquiring the weapon as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals. Any weapons acquired pursuant to this paragraph shall be disposed of pursuant to the applicable provisions of Section 12028 or 12032.

(7) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, loan, delivery, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, state, or the federal government to any public or private nonprofit historical society, museum, or institutional collection or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm prior to delivery is deactivated or rendered inoperable.

(C) The firearm is not subject to Section 12028, 12028.5, 12030, or 12032.

(D) The firearm is not prohibited by other provisions of law from being sold, delivered, or transferred to the public at large.

(E) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions of this article and, if applicable, Section 12801.

(F) Within 10 days of the date that the firearm is sold, loaned, delivered, or transferred to that entity, the name of the government entity delivering the firearm, and the make, model, serial number, and other identifying characteristics of the firearm and the name of the person authorized by the entity to take possession of the

1 firearm shall be reported to the department in a manner prescribed
2 by the department.

3 (G) In the event of a change in the status of the designated
4 representative, the entity shall notify the department of a new
5 representative within 30 days.

6 (8) Subdivision (d) of Section 12072 and subdivision (b) of
7 Section 12801 shall not apply to the sale, loan, delivery, or transfer
8 of a firearm made by any person other than a representative of an
9 authorized law enforcement agency to any public or private
10 nonprofit historical society, museum, or institutional collection if
11 all of the following conditions are met:

12 (A) The entity receiving the firearm is open to the public.

13 (B) The firearm is deactivated or rendered inoperable prior to
14 delivery.

15 (C) The firearm is not of a type prohibited from being sold,
16 delivered, or transferred to the public.

17 (D) Prior to delivery, the entity receiving the firearm submits a
18 written statement to the person selling, loaning, or transferring the
19 firearm stating that the firearm will not be restored to operating
20 condition, and will either remain with that entity, or if subsequently
21 disposed of, will be transferred in accordance with the applicable
22 provisions of this article and, if applicable, Section 12801.

23 (E) If title to a handgun is being transferred to the public or
24 private nonprofit historical society, museum, or institutional
25 collection, then the designated representative of that public or
26 private historical society, museum or institutional collection within
27 30 days of taking possession of that handgun, shall forward by
28 prepaid mail or deliver in person to the Department of Justice, a
29 single report signed by both parties to the transaction, that includes
30 information identifying the person representing that public or
31 private historical society, museum, or institutional collection, how
32 title was obtained and from whom, and a description of the firearm
33 in question, along with a copy of the written statement referred to
34 in subparagraph (D). The report forms that are to be completed
35 pursuant to this paragraph shall be provided by the Department of
36 Justice.

37 (F) In the event of a change in the status of the designated
38 representative, the entity shall notify the department of a new
39 representative within 30 days.

1 (9) Section 12070, subdivision (d) of Section 12072, and
2 subdivision (b) of Section 12801 do not apply to the delivery, sale,
3 or transfer of firearms when made by authorized law enforcement
4 representatives of cities, counties, cities and counties, or of the
5 state or federal government, if all of the following conditions are
6 met:

7 (A) The sale, delivery, or transfer is made to one of the
8 following:

9 (i) A person licensed pursuant to Section 12071.

10 (ii) A wholesaler.

11 (iii) A manufacturer or importer of firearms licensed to engage
12 in that business pursuant to Chapter 44 (commencing with Section
13 921) of Title 18 of the United States Code and the regulations
14 issued pursuant thereto.

15 (B) The sale, delivery, or transfer of the firearm is not subject
16 to the procedures set forth in Section 12028, 12030, or 12032.

17 (C) Where the sale, delivery, or transfer is of a handgun, on the
18 date that the handgun is delivered pursuant to this subdivision by
19 the agency, a record of the delivery has been entered into the
20 Automated Firearms System (AFS) via the California Law
21 Enforcement Telecommunications System (CLETS) by the law
22 enforcement or state agency. Those agencies without access to
23 AFS shall arrange with the sheriff of the county in which the agency
24 is located to input this information via this system.

25 (10) Any agency that is the registered owner of an institutional
26 weapon in accordance with paragraph (2), which subsequently
27 destroys the same, shall enter that information into the AFS via
28 CLETS within 10 days of the destruction in accordance with
29 procedures prescribed by the Department of Justice. Agencies
30 without access to AFS shall arrange with the sheriff of the county
31 in which the agency is located to input this information via this
32 system.

33 (b) (1) Section 12071, subdivisions (c) and (d) of Section
34 12072, and subdivision (b) of Section 12801 shall not apply to
35 deliveries, sales, or transfers of firearms between or to importers
36 and manufacturers of firearms licensed to engage in that business
37 pursuant to Chapter 44 (commencing with Section 921) of Title
38 18 of the United States Code and the regulations issued pursuant
39 thereto.

1 (2) Subdivision (b) of Section 12801 shall not apply to the
2 delivery, sale, or transfer of a handgun to a person licensed pursuant
3 to Section 12071, where the licensee is receiving the handgun in
4 the course and scope of his or her activities as a person licensed
5 pursuant to Section 12071.

6 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
7 infrequent transfer of a firearm that is not a handgun by gift,
8 bequest, intestate succession, or other means by one individual to
9 another if both individuals are members of the same immediate
10 family.

11 (2) Subdivision (d) of Section 12072 shall not apply to the
12 infrequent transfer of a handgun by gift, bequest, intestate
13 succession, or other means by one individual to another if both
14 individuals are members of the same immediate family and all of
15 the following conditions are met:

16 (A) The person to whom the firearm is transferred shall, within
17 30 days of taking possession of the firearm, forward by prepaid
18 mail or deliver in person to the Department of Justice, a report that
19 includes information concerning the individual taking possession
20 of the firearm, how title was obtained and from whom, and a
21 description of the firearm in question. The report forms that
22 individuals complete pursuant to this paragraph shall be provided
23 to them by the Department of Justice.

24 (B) The person taking title to the firearm shall first obtain a
25 handgun safety certificate.

26 (C) The person receiving the firearm is 18 years of age or older.

27 (3) As used in this subdivision, “immediate family member”
28 means any one of the following relationships:

29 (A) Parent and child.

30 (B) Grandparent and grandchild.

31 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
32 infrequent loan of firearms between persons who are personally
33 known to each other for any lawful purpose, if the loan does not
34 exceed 30 days in duration and, when the firearm is a handgun,
35 commencing January 1, 2003, the individual being loaned the
36 handgun has a valid handgun safety certificate.

37 (2) Subdivision (d) of Section 12072, and subdivision (b) of
38 Section 12801 shall not apply to the loan of a firearm where all of
39 the following conditions exist:

1 (A) The person loaning the firearm is at all times within the
2 presence of the person being loaned the firearm.

3 (B) The loan is for a lawful purpose.

4 (C) The loan does not exceed three days in duration.

5 (D) The individual receiving the firearm is not prohibited by
6 state or federal law from possessing, receiving, owning, or
7 purchasing a firearm.

8 (E) The person loaning the firearm is 18 years of age or older.

9 (F) The person being loaned the firearm is 18 years of age or
10 older.

11 (e) (1) Section 12071, subdivisions (c) and (d) *and paragraph*
12 *(1) of subdivision (f) of Section 12072, and subdivision (b) of*
13 *Section 12801 shall not apply to the delivery of a firearm to a*
14 *gunsmith for service or repair, or to the return of the firearm to its*
15 *owner by the gunsmith, or to the delivery of a firearm by a*
16 *gunsmith to a person licensed pursuant to Chapter 44 (commencing*
17 *with Section 921) of Title 18 of the United States Code for service*
18 *or repair and the return of the firearm to the gunsmith.*

19 (2) *Paragraph (1) of subdivision (f) of Section 12072 shall not*
20 *apply to the delivery, sale, or transfer of any firearm in any of the*
21 *following circumstances:*

22 (A) *Where the transferor and the transferee are the same person*
23 *or corporation.*

24 (B) *Where the transfer is to or from a person who has a valid*
25 *entertainment firearms permit under Section 12081 and the transfer*
26 *involves the loan or return of firearms used solely as props in*
27 *television, film, or theatrical productions.*

28 (f) Subdivision (d) of Section 12072 and subdivision (b) of
29 Section 12801 shall not apply to the sale, delivery, or transfer of
30 firearms by persons who reside in this state to persons who reside
31 outside this state who are licensed pursuant to Chapter 44
32 (commencing with Section 921) of Title 18 of the United States
33 Code and the regulations issued pursuant thereto, if the sale,
34 delivery, or transfer is in accordance with Chapter 44 (commencing
35 with Section 921) of Title 18 of the United States Code and the
36 regulations issued pursuant thereto.

37 (g) (1) Subdivision (d) of Section 12072 shall not apply to the
38 infrequent sale or transfer of a firearm, other than a handgun, at
39 auctions or similar events conducted by nonprofit mutual or public
40 benefit corporations organized pursuant to the Corporations Code.

1 As used in this paragraph, the term “infrequent” shall not be
2 construed to prohibit different local chapters of the same nonprofit
3 corporation from conducting auctions or similar events, provided
4 the individual local chapter conducts the auctions or similar events
5 infrequently. It is the intent of the Legislature that different local
6 chapters, representing different localities, be entitled to invoke the
7 exemption created by this paragraph, notwithstanding the frequency
8 with which other chapters of the same nonprofit corporation may
9 conduct auctions or similar events.

10 (2) Subdivision (d) of Section 12072 shall not apply to the
11 transfer of a firearm other than a handgun, if the firearm is donated
12 for an auction or similar event described in paragraph (1) and the
13 firearm is delivered to the nonprofit corporation immediately
14 preceding, or contemporaneous with, the auction or similar event.

15 (3) The waiting period described in Sections 12071 and 12072
16 shall not apply to a dealer who delivers a firearm other than a
17 handgun at an auction or similar event described in paragraph (1),
18 as authorized by subparagraph (C) of paragraph (1) of subdivision
19 (b) of Section 12071. Within two business days of completion of
20 the application to purchase, the dealer shall forward by prepaid
21 mail to the Department of Justice a report of the same as is
22 indicated in subdivision (c) of Section 12077. If the electronic or
23 telephonic transfer of applicant information is used, within two
24 business days of completion of the application to purchase, the
25 dealer delivering the firearm shall transmit to the Department of
26 Justice an electronic or telephonic report of the same as is indicated
27 in subdivision (c) of Section 12077.

28 (h) Subdivision (d) of Section 12072 and subdivision (b) of
29 Section 12801 shall not apply to the loan of a firearm to a person
30 18 years of age or older for the purposes of shooting at targets if
31 the loan occurs on the premises of a target facility that holds a
32 business or regulatory license or on the premises of any club or
33 organization organized for the purposes of practicing shooting at
34 targets upon established ranges, whether public or private, if the
35 firearm is at all times kept within the premises of the target range
36 or on the premises of the club or organization.

37 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
38 person who takes title or possession of a firearm that is not a
39 handgun by operation of law if the person is not prohibited by state

1 or federal law from possessing, receiving, owning, or purchasing
2 a firearm.

3 (2) Subdivision (d) of Section 12072 shall not apply to a person
4 who takes title or possession of a handgun by operation of law if
5 the person is not prohibited by state or federal law from possessing,
6 receiving, owning, or purchasing a firearm and all of the following
7 conditions are met:

8 (A) If the person taking title or possession is neither a levying
9 officer as defined in Section 481.140, 511.060, or 680.210 of the
10 Code of Civil Procedure, nor a person who is receiving that firearm
11 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
12 subdivision (u), the person shall, within 30 days of taking
13 possession, forward by prepaid mail or deliver in person to the
14 Department of Justice, a report of information concerning the
15 individual taking possession of the firearm, how title or possession
16 was obtained and from whom, and a description of the firearm in
17 question. The reports that individuals complete pursuant to this
18 paragraph shall be provided to them by the department.

19 (B) If the person taking title or possession is receiving the
20 firearm pursuant to subparagraph (G) of paragraph (2) of
21 subdivision (u), the person shall do both of the following:

22 (i) Within 30 days of taking possession, forward by prepaid
23 mail or deliver in person to the department, a report of information
24 concerning the individual taking possession of the firearm, how
25 title or possession was obtained and from whom, and a description
26 of the firearm in question. The reports that individuals complete
27 pursuant to this paragraph shall be provided to them by the
28 department.

29 (ii) Prior to taking title or possession of the firearm, the person
30 shall obtain a handgun safety certificate.

31 (C) Where the person receiving title or possession of the
32 handgun is a person described in subparagraph (I) of paragraph
33 (2) of subdivision (u), on the date that the person is delivered the
34 firearm, the name and other information concerning the person
35 taking possession of the firearm, how title or possession of the
36 firearm was obtained and from whom, and a description of the
37 firearm by make, model, serial number, and other identifying
38 characteristics; shall be entered into the Automated Firearms
39 System (AFS) via the California Law Enforcement
40 Telecommunications System (CLETS) by the law enforcement or

1 state agency that transferred or delivered the firearm. Those
2 agencies without access to AFS shall arrange with the sheriff of
3 the county in which the agency is located to input this information
4 via this system.

5 (D) Where the person receiving title or possession of the
6 handgun is a person described in subparagraph (J) of paragraph
7 (2) of subdivision (u), on the date that the person is delivered the
8 firearm, the name and other information concerning the person
9 taking possession of the firearm, how title or possession of the
10 firearm was obtained and from whom, and a description of the
11 firearm by make, model, serial number, and other identifying
12 characteristics; shall be entered into the AFS via the CLETS by
13 the law enforcement or state agency that transferred or delivered
14 the firearm. Those agencies without access to AFS shall arrange
15 with the sheriff of the county in which the agency is located to
16 input this information via this system. In addition, that law
17 enforcement agency shall not deliver that handgun to the person
18 referred to in this subparagraph unless, prior to the delivery of the
19 same, the person presents proof to the agency that he or she is the
20 holder of a handgun safety certificate.

21 (3) Subdivision (d) of Section 12072 shall not apply to a person
22 who takes possession of a firearm by operation of law in a
23 representative capacity who subsequently transfers ownership of
24 the firearm to himself or herself in his or her individual capacity.
25 In the case of a handgun, the individual shall obtain a handgun
26 safety certificate prior to transferring ownership to himself or
27 herself, or taking possession of a handgun in an individual capacity.
28 (j) Subdivision (d) of Section 12072 and subdivision (b) of
29 Section 12801 shall not apply to deliveries, transfers, or returns
30 of firearms made pursuant to Section 12021.3, 12028, 12028.5, or
31 12030.

32 (k) Section 12071, subdivision (c) of Section 12072, and
33 subdivision (b) of Section 12801 shall not apply to any of the
34 following:

35 (1) The delivery, sale, or transfer of unloaded firearms that are
36 not handguns by a dealer to another dealer upon proof of
37 compliance with the requirements of paragraph (1) of subdivision
38 (f) of Section 12072.

39 (2) The delivery, sale, or transfer of unloaded firearms by dealers
40 to persons who reside outside this state who are licensed pursuant

1 to Chapter 44 (commencing with Section 921) of Title 18 of the
2 United States Code and the regulations issued pursuant thereto.

3 (3) The delivery, sale, or transfer of unloaded firearms to a
4 wholesaler if the firearms are being returned to the wholesaler and
5 are intended as merchandise in the wholesaler's business.

6 (4) The delivery, sale, or transfer of unloaded firearms by one
7 dealer to another dealer if the firearms are intended as merchandise
8 in the receiving dealer's business upon proof of compliance with
9 the requirements of paragraph (1) of subdivision (f) of Section
10 12072.

11 (5) The delivery, sale, or transfer of an unloaded firearm that is
12 not a handgun by a dealer to himself or herself.

13 (6) The loan of an unloaded firearm by a dealer who also
14 operates a target facility that holds a business or regulatory license
15 on the premises of the building designated in the license or whose
16 building designated in the license is on the premises of any club
17 or organization organized for the purposes of practicing shooting
18 at targets upon established ranges, whether public or private, to a
19 person at that target facility or that club or organization, if the
20 firearm is at all times kept within the premises of the target range
21 or on the premises of the club or organization.

22 (l) A person who is exempt from subdivision (d) of Section
23 12072 or is otherwise not required by law to report his or her
24 acquisition, ownership, *destruction*, or disposal of a ~~handgun~~
25 *firearm* or who moves out of this state with his or her ~~handgun~~
26 *firearm* may submit a report of the same to the Department of
27 Justice in a format prescribed by the department.

28 (m) Subdivision (d) of Section 12072 and subdivision (b) of
29 Section 12801 shall not apply to the delivery, sale, or transfer of
30 unloaded firearms to a wholesaler as merchandise in the
31 wholesaler's business by manufacturers or importers licensed to
32 engage in that business pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code and the
34 regulations issued pursuant thereto, or by another wholesaler, if
35 the delivery, sale, or transfer is made in accordance with Chapter
36 44 (commencing with Section 921) of Title 18 of the United States
37 Code.

38 (n) (1) The waiting period described in Section 12071 or 12072
39 shall not apply to the delivery, sale, or transfer of a handgun by a
40 dealer in either of the following situations:

1 (A) The dealer is delivering the firearm to another dealer and
2 it is not intended as merchandise in the receiving dealer's business.

3 (B) The dealer is delivering the firearm to himself or herself
4 and it is not intended as merchandise in his or her business.

5 (2) In order for this subdivision to apply, both of the following
6 shall occur:

7 (A) If the dealer is receiving the firearm from another dealer,
8 the dealer receiving the firearm shall present proof to the dealer
9 delivering the firearm that he or she is licensed pursuant to Section
10 12071 by complying with paragraph (1) of subdivision (f) of
11 Section 12072.

12 (B) Whether the dealer is delivering, selling, or transferring the
13 firearm to himself or herself or to another dealer, on the date that
14 the application to purchase is completed, the dealer delivering the
15 firearm shall forward by prepaid mail to the Department of Justice
16 a report of the same and the type of information concerning the
17 purchaser or transferee as is indicated in subdivision (b) of Section
18 12077. Where the electronic or telephonic transfer of applicant
19 information is used, on the date that the application to purchase is
20 completed, the dealer delivering the firearm shall transmit an
21 electronic or telephonic report of the same and the type of
22 information concerning the purchaser or transferee as is indicated
23 in subdivision (b) of Section 12077.

24 (o) Section 12071 and subdivisions (c); ~~and (d); and paragraph~~
25 ~~(1) of subdivision (f) of Section 12072 shall not apply to the~~
26 ~~delivery, sale, or transfer of firearms~~ *a firearm* regulated pursuant
27 to Section 12020, Chapter 2 (commencing with Section 12200),
28 ~~or Chapter 2.3 (commencing with Section 12275), or Chapter 2.5~~
29 ~~(commencing with Section 12301), if the delivery, sale, or transfer~~
30 ~~of that firearm is conducted in accordance with the applicable~~
31 ~~provisions of Section 12020, Chapter 2 (commencing with Section~~
32 ~~12200), or Chapter 2.3 (commencing with Section 12275), or~~
33 ~~Chapter 2.5 (commencing with Section 12301).~~

34 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
35 Section 12072 shall not apply to the loan of a firearm that is not a
36 handgun to a minor, with the express permission of the parent or
37 legal guardian of the minor, if the loan does not exceed 30 days
38 in duration and is for a lawful purpose.

39 (2) Paragraph (3) of subdivision (a) of Section 12072,
40 subdivision (d) of Section 12072, and subdivision (b) of Section

1 12801 shall not apply to the loan of a handgun to a minor by a
2 person who is not the parent or legal guardian of the minor if all
3 of the following circumstances exist:

4 (A) The minor has the written consent of his or her parent or
5 legal guardian that is presented at the time of, or prior to the time
6 of, the loan, or is accompanied by his or her parent or legal
7 guardian at the time the loan is made.

8 (B) The minor is being loaned the firearm for the purpose of
9 engaging in a lawful, recreational sport, including, but not limited
10 to, competitive shooting, or agricultural, ranching, or hunting
11 activity, or a motion picture, television, or video production, or
12 entertainment or theatrical event, the nature of which involves the
13 use of a firearm.

14 (C) The duration of the loan does not exceed the amount of time
15 that is reasonably necessary to engage in the lawful, recreational
16 sport, including, but not limited to, competitive shooting, or
17 agricultural, ranching, or hunting activity, or a motion picture,
18 television, or video production, or entertainment or theatrical event,
19 the nature of which involves the use of a firearm.

20 (D) The duration of the loan does not, in any event, exceed 10
21 days.

22 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
23 Section 12072, and subdivision (b) of Section 12801 shall not
24 apply to the loan of a handgun to a minor by his or her parent or
25 legal guardian if both of the following circumstances exist:

26 (A) The minor is being loaned the firearm for the purposes of
27 engaging in a lawful, recreational sport, including, but not limited
28 to, competitive shooting, or agricultural, ranching, or hunting
29 activity, or a motion picture, television, or video production, or
30 entertainment or theatrical event, the nature of which involves the
31 use of a firearm.

32 (B) The duration of the loan does not exceed the amount of time
33 that is reasonably necessary to engage in the lawful, recreational
34 sport, including, but not limited to, competitive shooting, or
35 agricultural, ranching, or hunting activity, or a motion picture,
36 television, or video production, or entertainment or theatrical event,
37 the nature of which involves the use of a firearm.

38 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
39 Section 12072 shall not apply to the transfer or loan of a firearm

1 that is not a handgun to a minor by his or her parent or legal
2 guardian.

3 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
4 Section 12072 shall not apply to the transfer or loan of a firearm
5 that is not a handgun to a minor by his or her grandparent who is
6 not the legal guardian of the minor if the transfer is done with the
7 express permission of the parent or legal guardian of the minor.

8 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
9 Section 12072 shall not apply to the sale of a handgun if both of
10 the following requirements are satisfied:

11 (A) The sale is to a person who is at least 18 years of age.

12 (B) The firearm is an antique firearm as defined in paragraph
13 (16) of subsection (a) of Section 921 of Title 18 of the United
14 States Code.

15 (q) Subdivision (d) of Section 12072 shall not apply to the loan
16 of a firearm that is not a handgun to a licensed hunter for use by
17 that licensed hunter for a period of time not to exceed the duration
18 of the hunting season for which that firearm is to be used.

19 (r) The waiting period described in Section 12071 or 12072
20 shall not apply to the delivery, sale, or transfer of a firearm to the
21 holder of a special weapons permit issued by the Department of
22 Justice issued pursuant to Section 12095, 12230, 12250, or 12305.
23 On the date that the application to purchase is completed, the dealer
24 delivering the firearm shall transmit to the Department of Justice
25 an electronic or telephonic report of the same as is indicated in
26 subdivision (b) or (c) of Section 12077.

27 (s) (1) Subdivision (d) of Section 12072 and subdivision (b) of
28 Section 12801 shall not apply to the infrequent loan of an unloaded
29 firearm by a person who is neither a dealer as defined in Section
30 12071 nor a federal firearms licensee pursuant to Chapter 44
31 (*commencing with Section 921*) of Title 18 of the United States
32 Code, to a person 18 years of age or older for use solely as a prop
33 in a motion picture, television, video, theatrical, or other
34 entertainment production or event.

35 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
36 Section 12072, and subdivision (b) of Section 12801 shall not
37 apply to the loan of an unloaded firearm by a person who is not a
38 dealer as defined in Section 12071 but who is a federal firearms
39 licensee pursuant to Chapter 44 (*commencing with Section 921*)
40 of Title 18 of the United States Code, to a person who possesses

1 a valid entertainment firearms permit issued pursuant to Section
2 12081, for use solely as a prop in a motion picture, television,
3 video, theatrical, or other entertainment production or event. The
4 person loaning the firearm pursuant to this paragraph shall retain
5 a photocopy of the entertainment firearms permit as proof of
6 compliance with this requirement.

7 (3) Subdivision (b) of Section 12071, subdivision (c) of, and
8 paragraph (1) of subdivision (f) of, Section 12072, and subdivision
9 (b) of Section 12801 shall not apply to the loan of an unloaded
10 firearm by a dealer as defined in Section 12071, to a person who
11 possesses a valid entertainment firearms permit issued pursuant
12 to Section 12081, for use solely as a prop in a motion picture,
13 television, video, theatrical, or other entertainment production or
14 event. The dealer shall retain a photocopy of the entertainment
15 firearms permit as proof of compliance with this requirement.

16 (4) Subdivision (b) of Section 12071, subdivision (c) and
17 paragraph (1) of subdivision (f) of Section 12072, and subdivision
18 (b) of Section 12801 shall not apply to the loan of an unloaded
19 firearm to a consultant-evaluator by a person licensed pursuant to
20 Section 12071 if the loan does not exceed 45 days from the date
21 of delivery. At the time of the loan, the consultant-evaluator shall
22 provide the following information, which the dealer shall retain
23 for two years:

24 (A) A photocopy of a valid, current, government-issued
25 identification to determine the consultant-evaluator's identity,
26 including, but not limited to, a California driver's license,
27 identification card, or passport.

28 (B) A photocopy of the consultant-evaluator's valid, current
29 certificate of eligibility.

30 (C) A letter from the person licensed as an importer,
31 manufacturer, or dealer pursuant to Chapter 44 (commencing with
32 Section 921) of Title 18 of the United States Code, with whom the
33 consultant-evaluator has a bona fide business relationship. The
34 letter shall detail the bona fide business purposes for which the
35 firearm is being loaned and confirm that the consultant-evaluator
36 is being loaned the firearm as part of a bona fide business
37 relationship.

38 (D) The signature of the consultant-evaluator on a form
39 indicating the date the firearm is loaned and the last day the firearm
40 may be returned.

(t) (1) The waiting ~~period~~ *periods* described in ~~Section~~ *Sections* 12071 ~~or~~ and 12072 shall not apply to the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. On the date that the delivery, sale, or transfer is made, the dealer delivering the firearm shall transmit to the Department of Justice an electronic or telephonic report of the transaction as is indicated in subdivision (b) or (c) of Section 12077.

(2) Subdivision (d) and paragraph (1) of subdivision (f) of Section 12072 shall not apply to the infrequent sale, loan, or transfer of a firearm that is not a handgun, which is a curio or relic manufactured at least 50 years prior to the current date, but not including replicas thereof, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor.

(u) As used in this section:

(1) “Infrequent” has the same meaning as in paragraph (1) of subdivision (c) of Section 12070.

(2) “A person taking title or possession of firearms by operation of law” includes, but is not limited to, any of the following instances wherein an individual receives title to, or possession of, firearms:

(A) The executor or administrator of an estate if the estate includes firearms.

(B) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(C) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(D) A receiver performing his or her functions as a receiver if the receivership estate includes firearms.

(E) A trustee in bankruptcy performing his or her duties if the bankruptcy estate includes firearms.

(F) An assignee for the benefit of creditors performing his or her functions as an assignee, if the assignment includes firearms.

1 (G) A transmutation of property consisting of firearms pursuant
2 to Section 850 of the Family Code.

3 (H) Firearms passing to a surviving spouse pursuant to Chapter
4 1 (commencing with Section 13500) of Part 2 of Division 8 of the
5 Probate Code.

6 (I) Firearms received by the family of a police officer or deputy
7 sheriff from a local agency pursuant to Section 50081 of the
8 Government Code.

9 (J) The transfer of a firearm by a law enforcement agency to
10 the person who found the firearm where the delivery is to the
11 person as the finder of the firearm pursuant to Article 1
12 (commencing with Section 2080) of Chapter 4 of Division 3 of
13 the Civil Code.

14 *SEC. 6. Section 1.5 of this bill incorporates amendments to*
15 *Section 11106 of the Penal Code proposed by both this bill and*
16 *AB 962. It shall only become operative if (1) both bills are enacted*
17 *and become effective on or before January 1, 2010, (2) each bill*
18 *amends Section 11106 of the Penal Code, and (3) this bill is*
19 *enacted after AB 962, in which case Section 1 of this bill shall not*
20 *become operative.*

21 *SEC. 7. Section 3.5 of this bill incorporates amendments to*
22 *Section 12076 of the Penal Code proposed by both this bill and*
23 *AB 962. It shall only become operative if (1) both bills are enacted*
24 *and become effective on or before January 1, 2010, (2) each bill*
25 *amends Section 12076 of the Penal Code, and (3) this bill is*
26 *enacted after AB 962, in which case Section 3 of this bill shall not*
27 *become operative.*

28 *SEC. 8. Section 5.5 of this bill incorporates amendments to*
29 *Section 12078 of the Penal Code proposed by both this bill and*
30 *SB 175. It shall only become operative if (1) both bills are enacted*
31 *and become effective on or before January 1, 2010, (2) each bill*
32 *amends Section 12078 of the Penal Code, and (3) this bill is*
33 *enacted after SB 175, in which case Section 5 of this bill shall not*
34 *become operative.*